

From: [MARTIN, JERRY B](#)
To: (b)(6);(b)(7)(C)
Subject: Re: Formal Letter of Intent re (b)(7)(E) Project
Date: Saturday, February 8, 2020 1:21:54 PM

(b)(6) was asking for someone to reach out to (b)(6). Did (b)(6);(b)(7)(C) reach out to (b)(6) or (b)(6)?

Sent from my iPhone

On Feb 8, 2020, at 1:08 PM, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> wrote:

EPT (b)(6), (b)(7)(C) reaches out to (b)(6) twice and got no answer. We can provide (b)(6), (b)(7)(C)'s number (+ (b)(6), (b)(7)(C) to (b)(6) to put this back on them.

Get [Outlook for iOS](#)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Saturday, February 8, 2020 12:03:13 PM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: Fwd: Formal Letter of Intent re (b)(7)(E) Project

Do you know if contact was made?

Sent from my iPhone

Begin forwarded message:

From: "(b)(6)" <(b)(6)>
Date: February 8, 2020 at 11:40:00 AM EST
To: "kkobach@gmail.com" <kkobach@gmail.com>, "MARTIN, JERRY B" <(b)(6);(b)(7)(C)>
Cc: "(b)(6);(b)(7)(C)" <(b)(6);(b)(7)(C)>, "(b)(6);(b)(7)(C)" <(b)(6);(b)(7)(C)>
Subject: Re: Formal Letter of Intent re (b)(7)(E) Project

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Chief, please let me know if your team was able to get in contact

with (b) (6) at the Corp

Sent from the road by (b) (6) Esq., Barnes &Thornburg LLP
(b) (6)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Friday, February 7, 2020 10:28:37 PM
To: kkobach@gmail.com <kkobach@gmail.com>
cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b) (6)
(b) (6)
Subject: [EXTERNAL]Re: Formal Letter of Intent re (b) (7)(E) Project

Kris,

Thank you for putting this together. We will review and get back as soon as we can.

VR,

Brian

Sent from my iPhone

On Feb 7, 2020, at 9:48 PM, "kkobach@gmail.com"
<kkobach@gmail.com> wrote:

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Brian,

Please find attached We Build the Wall's formal letter of intent. Attachments include:

1. DHS GIFT DONATION FORM 112-02
2. ALIGNMENT MAP
3. PROJECT RENDERING
4. HYDRO ANALYSIS
5. RAINFALL DATA

As we discussed at our meeting last week, we would

appreciate it if you team could review this package as quickly as possible. The NM SHPO has 30 days to review our report to them—a period that commenced on February 5, 2020. If your review could be completed within the same period, by March 6, that would be ideal.

Thanks your work on this. We look forward to contributing to our nation's border security and to advancing CBP's mission.

Kris

<WBTW Final Letter to CBP - (b) (7)(E).docx>

<Gift Donation Form 112-02 - Filled.pdf>

<(b) (7)(E) - Alignment Map.pdf>

<WBTW (b) (7)(E) Project Rendering.png>

<(b) (7)(E) - WBTW - Hydro Analysis.pdf>

<(b) (7)(E) - WBTW - NOAA Precipitation Data.pdf>

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From: [MARTIN, JERRY B](#)
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C)
Subject: Re: Final historical and archeological impact report
Date: Friday, January 31, 2020 9:54:07 PM

Kris,

Thank you. We'll review and let you know early next week.

Brian

Sent from my iPhone

On Jan 31, 2020, at 5:35 PM, "kkobach@gmail.com" <kkobach@gmail.com> wrote:

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Brian,

Here's the final version of the report. Same conclusion, just a lot more detail. If there's anything else you guys need to be assessed by the expert, let me know. Otherwise, we will submit it to the NM SHPO and get the 30 day clock (for them to review it) started. Thanks!

Kris

<(b) (7)(E) - WBTW - Final Wall Historical Survey Report.pdf>



Preliminary Report for the Archaeological Survey of a Section of Proposed Border Wall near (b) (7)(E), New Mexico

The archaeological survey of the proposed border wall location was conducted January 17th, 2020. The area inventoried extends (b) (7)(E) (b) (7)(E) though the portion of wall next slated for construction will be built in the (b) (7)(E)

(b) (7)(E)

No archaeological sites were found, but there are three historic border monuments in the surveyed area:

Monument (b) (7)(E) is an obelisk of stone and concrete with a smooth plastered concrete surface on a square concrete pedestal, all recently repainted white (Figure 1). The obelisk portion tapers from a wide base to a pyramidal top. Cast metal plaques in English and Spanish are/were embedded into the north and south faces (the north one is absent). The number (b) (7)(E) is inscribed into the east and west faces. Fragments of cement plaster and expanded metal litter the surrounding area.

(b) (7)(E)

Figure 1: Monument (b) (7)(E)

Monument (b) (7)(E) is an obelisk on square pedestal of cast concrete, all recently painted silver. The obelisk has parallel vertical sides and a pyramidal top. Cast metal official plaques in English and Spanish are riveted and embedded in the north and south faces (Figure 2). Separate plaques below are embossed with language admonishing against destruction are of cast metal similarly attached, and the number is embossed on its east face.

(b) (7)(E)

Monument (b) (7)(E) is a cast-iron obelisk bolted to a square concrete pedestal. The obelisk has slightly tapering sides and pyramidal top and plaques identical to those of Monument (b) (7)(E). The number is embossed on the east face only (Figure 3). The obelisk and top of the pedestal are painted silver while the pedestal remains raw concrete. The number is painted black.

Monument (b) (7)(E) was erected in the 1850s as part of a survey to mark and map the U.S.'s southern border following the signing of the 1848 Treaty of Guadalupe Hidalgo and the conclusion

Figure 2: Monument (b) (7)(E)

of the Mexican-American War. The effort resulted in 54 boundary survey maps finalized during the 1856-1857 Joint Boundary Commission meetings in Washington, D.C. A total of 52 such monuments were built between El Paso and San Diego.

When disputes over the exact location of the border became more frequent, a boundary resurvey was conducted between 1891-1894. An initial reconnaissance found that some of the previously established monuments were missing or in disrepair. The international resurvey team installed 206 additional monuments and employed a lettering sequence to avoid confusion with the existing monument numbers. Monuments (b) (7)(E) are two of these monuments.

The New Mexico State Historic Preservation Office has determined that the monuments are eligible for listing in the National Register because of their representation of the events surrounding the establishment of the boundary following the Gadsden Purchase and the Treaty of Guadalupe Hidalgo as well as subsequent events that took place along the border, for their distinctive obelisk form, and for the information that can be gleaned about past historical events in locations where there are camps or other archaeological sites associated with those events. Because the monuments are considered eligible, they need to be protected during any proposed undertaking or their damage or destruction mitigated in some way.

Monuments (b) (7)(E) lie along the route of the currently planned (b) (7)(E) border wall, while Monument (b) (7)(E) is to the (b) (7)(E) beyond the end of the (b) (7)(E) section (Figure 4). As has been implemented elsewhere, the plan for this segment is to build the wall 3 feet north of the actual border line (and, hence, 3 feet north of the monuments), with gates installed to provide access to the monuments. In this instance, because the monuments will remain undamaged and because there are no associated archaeological materials of any kind (e.g., the remains of a campsite associated with their construction) in the immediate vicinity, the monuments will experience no adverse physical impacts as a result of the construction of the wall.

The wall will adversely impact the monuments' integrity to some degree because it will change their setting, feeling, and association (though not their location, design, materials, or workmanship), but because they represent only a small proportion of the overall number of border monuments (even just of those in New Mexico), the impact is not sufficient to render the international border and the monuments not eligible for listing in the National Register, nor is it irreversible, so the overall impact is unlikely to be something that would require additional mitigation steps. With that said, it should be noted that upon review of the final survey report, the New Mexico State Historic Preservation Office may have additional requirements regarding protection of the monuments during construction of the wall.



Figure 3: Monument (b) (7)(E).

(b) (7)(E)

Figure 4: Map of project findings. IOs 1 and 2 mark discoveries of an isolated can and tin cup that are historic but not sufficient to be considered archaeological sites requiring protection.

From: [MARTIN, JERRY B](#)
To: (b)(6);(b)(7)(C)
Subject: FW: Proposed Donation of Border Wall, (b)(7)(E) New Mexico
Date: Friday, January 31, 2020 12:17:41 PM
Attachments: [Wall Attachments V2 01292020.pdf](#)
[Gift Donation Form 112-02.pdf](#)

I didn't look closely enough at the rendering before sending. We need to make some changes. (b)(7)(E)

[REDACTED]

[REDACTED]

From: MARTIN, JERRY B
Sent: Friday, January 31, 2020 8:25 AM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: Proposed Donation of Border Wall, (b)(7)(E) New Mexico

Mr. Kobach,

Thank you for your recent communication regarding We Build the Wall's (WBTW) proposed donation of border wall. It is my understanding that WBTW, a private entity, would like to start construction on approximately (b)(7)(E) of border wall in (b)(7)(E) New Mexico. Upon completion, WBTW would like to donate this wall as a gift to U.S. Customs and Border Protection (CBP). CBP has reviewed the information WBTW has provided to date regarding the proposed donation. To the extent that WBTW intends to make a formal donation offer to CBP, set out below is the additional information that should be included in the submission.

CBP would require this information in order to consider and potentially act upon WBTW's donation offer.

SUBMISSION PROCESS

In order to make a formal offer of donation or gift, WBTW must first submit a formal letter of intent to the Department of Homeland Security (DHS) and CBP. In order to properly evaluate WBTW's gift, CBP needs the information required by DHS Form 112-02. For your convenience, enclosed is a copy of DHS Form 112-02. Those requirements include a detailed description of the gift along with any donor's name and address, as well as any past, present, or pending matters and activities involving the Department and the circumstances regarding donation of the gift. Additionally, the Department's gift acceptance policies further require the donor's estimate of the gift's value, which for non-cash gifts should be the gift's estimated market value.

In addition to the items listed above, WBTW's submission should address the items listed below. The items listed below will assist CBP in its evaluation of WBTW's gift and/or any CBP authorization to construct on federal land that is under CBP's administrative jurisdiction. From our previous discussions, we understand WBTW has offered to fund all design and construction and all real estate and environmental documentation and permitting for the proposed project and will ensure the donation meets the U.S. Border Patrol (USBP) operational requirements.

ALIGNMENT MAP

WBTW must provide an alignment map that is sufficiently identifies the location the proposed

border wall segment. The map will allow CBP to evaluate the proposed location relative to United States Border Patrol (USBP) operations. It is CBP's understanding, based on materials previously submitted by WBTW, that the proposed (b) (7)(E) wall project is (b) (7)(E). (Location coordinates – Start: (b) (7)(E)) Stop: (b) (7)(E)). For your convenience, enclosed you will find a map that shows CBP's understanding of the proposed project location. WBTW's submission should confirm this understanding and show precisely where the proposed wall will be situated.

DESIGN & CONSTRUCTION

As a part of its submission, WBTW must confirm that the proposed wall segment will adhere to the USBP Tactical Infrastructure (TI) Design Standards as the design criteria for the wall design and that WBTW will consult with USBP on any design and construction questions to ensure the wall meets the operational requirements of USBP.

Those design standards include the following requirements or conditions:

Design

(b) (7)(E), (b) (5)

Construction

- All wall should be constructed in accordance with the TI Design Standards.
- Regular communication with USBP personnel, to include providing a high-level milestone schedule, to ensure construction does not adversely impact operations.

- Consultation with USBP subject matter experts prior to start of design to discuss and incorporate such items as wall alignment, design criteria, construction criteria into the design.
- Consultation with USBP subject matter experts during preliminary design and prior to design completion to receive feedback regarding design progress.
- Regular meetings with USBP subject matter experts on a weekly basis but no less than once per month throughout construction of the wall to discuss progress, construction testing, questions and issues encountered by the contractor.

REAL ESTATE & ENVIRONMENTAL

WBTW's submission should also address real estate and environmental issues, to include the following:

Environmental

- Regarding the need for 404 permits under the Clean Water Act, WBTW has stated that the U.S. Army Corps of Engineers (USACE) "has no interest" in the proposed project areas, as there are no Waters of the United States that are within the proposed project area or elsewhere that will be affected by the proposed project. WBTW cites to a "hydro analysis" that was performed in making this determination.
 - WBTW should include a copy of the hydrological analysis and/or any delineation survey that was performed and copies of the correspondence with USACE showing its determination that no 404 or other Clean Water Act permits are required.
- WBTW has already provided CBP with the results of cultural/historical assessment that has been performed concerning the proposed project area.
 - WBTW should provide any correspondence or feedback it has received from the New Mexico State Historic Preservation Officer concerning such assessment and the potential impacts of the proposed project.
- As to other potential environmental obligations, as has been discussed, CBP may be required to comply with the National Environmental Policy Act, the Endangered Species Act, or other environmental statutes in accepting a gift or authorizing construction on federal property. WBTW's donation intent should discuss whether it has the ability to assist with such compliance by CBP. Such assistance would likely come in the form of, among other things, providing project information, conducting additional resource surveys of the project area, or providing a consultant to assist in the preparation of required environmental documents.

CONSTRUCTION CLOSE-OUT

Finally, as a part of its submission WBTW should include or discuss the items that will be provided once construction is complete.

- Final construction close-out package shall be provided by the construction contractor prior to acceptance of the project and consideration for acceptance by CBP. The construction close out package shall include, but not be limited to:
 - Results of all materials testing conducted by a third party consultant.

- Certification that quality assurance was conducted by an independent third party consultant and associated documentation.
- Shop and fabrication drawings.
- Final as-built plans certified by the contractor including, but not limited to, final surveyed location of the wall, plans, profiles, notes and details.

ENCLOSURES:

1. DHS GIFT DONATION FORM 112-02
2. (b) (7)(E) MAP
3. PROJECT RENDERING

Should you have questions or concerns, please do not hesitate to reach out to our team – Chief Martin or DXD (b)(6);(b)(7)(C) CC'd here – who will address your questions and coordinate any additional communications with me.

VR,

Brian Martin

U.S. Border Patrol

Chief of Strategic Planning and Analysis

Washington, DC

O- (b)(6);(b)(7)(C)

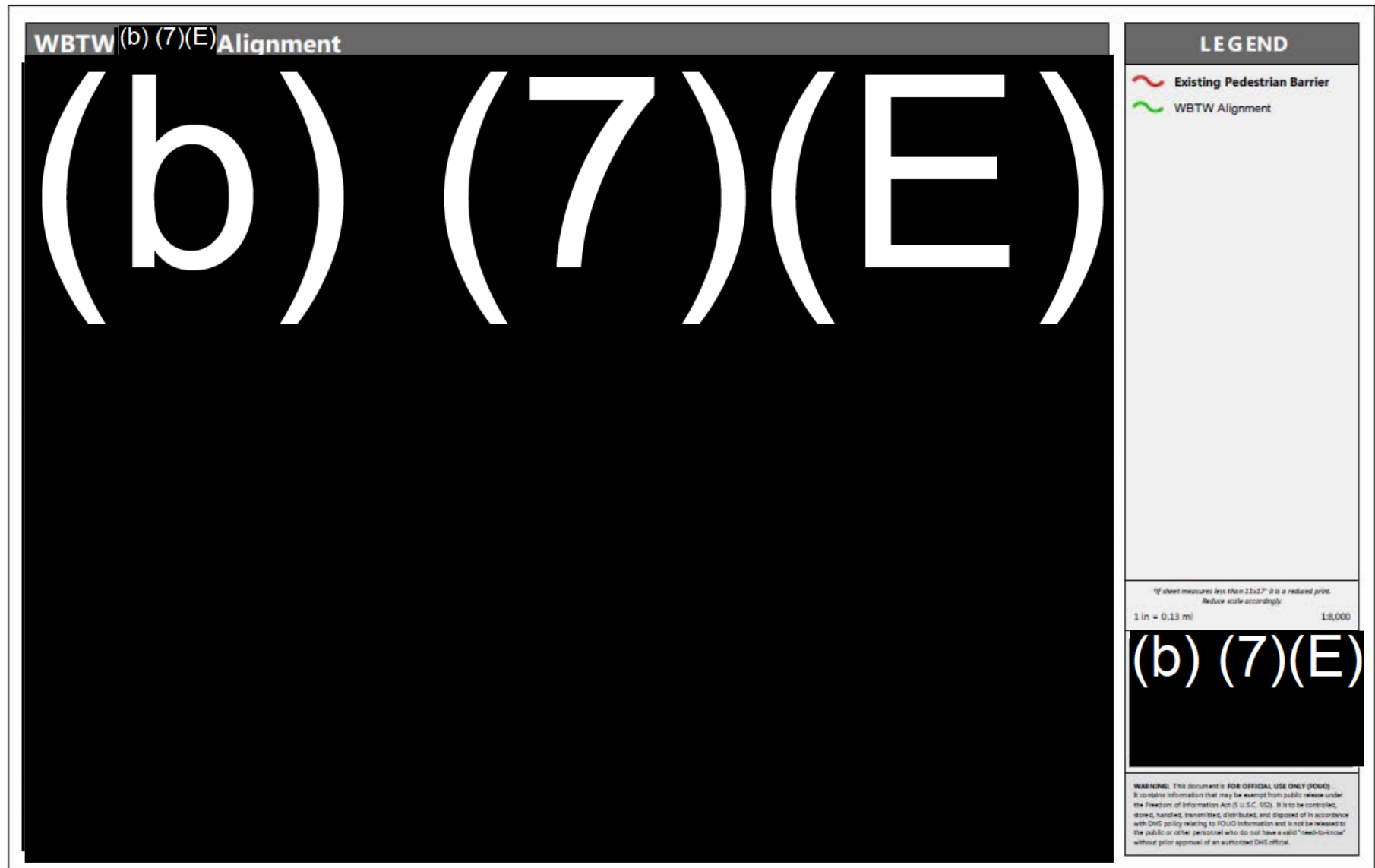
M- (b)(6);(b)(7)(C)

Project Rendering

(b) (7)(E)



(b) (7)(E) NM Alignment Map



ATTACHMENT 1



(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

From: [MARTIN, JERRY B](#)
To: (b)(6);(b)(7)(C)
Subject: Re: Meeting Monday?
Date: Tuesday, January 28, 2020 12:39:57 PM

Not sure but the error message was delayed so I didn't know it didn't go until after you flagged it.

Sent from my iPhone

On Jan 28, 2020, at 12:24 PM, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> wrote:

Yes. It came through this time. I wonder what caused the error. The specs are all the same as every other RTS.

Get [Outlook for iOS](#)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Tuesday, January 28, 2020 12:22:37 PM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: RE: Meeting Monday?

Did you get resent message? I ended up with an error message.

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Tuesday, January 28, 2020 12:19 PM
To: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: RE: Meeting Monday?

The form is on the RTS I sent you, I just checked, but it's not here. Is it there when you open it? If not, you may need to reply all with the attached.

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Tuesday, January 28, 2020 12:16 PM
To: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> SMITH, FREDERICK B (OCC)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> 'SCOTT, RODNEY'; HASTINGS, BRIAN S

< (b)(6);(b)(7)(C) >
Subject: FW: Meeting Monday?

Deputy Commissioner Perez,

(b) (5)

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: MARTIN, JERRY B < (b)(6);(b)(7)(C) >
Sent: Friday, January 24, 2020 1:08 PM
To: Kris Kobach <kkobach@gmail.com>
Cc: (b)(6);(b)(7)(C) < (b)(6);(b)(7)(C) > (b)(6);(b)(7)(C)
< (b)(6);(b)(7)(C) >
Subject: Re: Meeting Monday?

Kris,

I will be in the office Monday and can meet with you at that time. I presume you're ok to meet at the Reagan Building. Let me know when you arrive and I'll escort upstairs.

VR,

Brian

Sent from my iPhone

On Jan 24, 2020, at 11:50 AM, Kris Kobach <kkobach@gmail.com> wrote:

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Brian,

I apologize for the late notice, but I will be at the White House for some meetings Monday morning (the 27th). I was hoping that we could meet on Monday afternoon in the 1:00 pm hour if that works for you. Just wanted to bring you up to date on everything concerning the proposed (b) (7)(E) wall project.

(b)(6);(b)(7)(C) may try to reach you as well to schedule this meeting.

Feel free to invite (b)(6);(b)(7)(C) and any others on your team as well.

Thanks.

Kris

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: MARTIN, JERRY B; (b)(6);(b)(7)(C)
Subject: RE: Meeting Monday?
Date: Monday, January 27, 2020 9:41:48 AM

Chief,

(b) (5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Senior Attorney | Ethics, Labor, and Employment (ELE)
Office of Chief Counsel | U.S. Customs and Border Protection
Office: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, US Customs & Border Protection, before disclosing any information contained in this email.

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Monday, January 27, 2020 9:40 AM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>
Subject: RE: Meeting Monday?

Good morning (b)(6);(b)(7)(C),

(b) (5)

Thanks,

Brian

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Monday, January 27, 2020 9:05 AM
To: MARTIN, JERRY B <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>
Subject: FW: Meeting Monday?

Good morning Chief,

(b) (5)

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Senior Attorney | Ethics, Labor, and Employment (ELE)

Office of Chief Counsel | U.S. Customs and Border Protection

Office: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Sent: Friday, January 24, 2020 1:08 PM

To: Kris Kobach <kkobach@gmail.com>

Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)

<(b)(6);(b)(7)(C)>

Subject: Re: Meeting Monday?

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VR,

Brian

Sent from my iPhone

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(b)(6);(b)(7)(C) may try to reach you as well to schedule this meeting.

Feel free to invite (b)(6);(b)(7)(C) and any others on your team as well.

Thanks.

Kris

From: [Kris Kobach](#)
To: [MARTIN, JERRY B](#)
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: Re: Meeting Monday?
Date: Friday, January 24, 2020 1:25:07 PM

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Yes the Reagan Building will be fine. I look forward to seeing you Monday.

On Fri, Jan 24, 2020 at 12:08 PM MARTIN, JERRY B <(b)(6);(b)(7)(C)> wrote:

Kris,

I will be in the office Monday and can meet with you at that time. I presume you're ok to meet at the Reagan Building. Let me know when you arrive and I'll escort upstairs.

VR,

Brian

Sent from my iPhone

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(b)(6);(b)(7)(C) may try to reach you as well to schedule this meeting.

Feel free to invite (b)(6);(b)(7)(C) and any others on your team as well.

Thanks.

Kris

From: kkobach@gmail.com
To: [REDACTED]
Cc: [MARTIN, JERRY B](#)
Subject: RE: Follow Up
Date: Monday, January 13, 2020 2:40:42 PM

That works for me. Let's talk then.

From: (b)(6);(b)(7)(C) <[REDACTED]>
Sent: Monday, January 13, 2020 6:51 AM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <[REDACTED]>
Subject: RE: Follow Up

Kris – 4pm is the open slot we have. I sent an invitation for then. Let me know if that time doesn't work for you and we'll have to find a time on Tuesday.

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Friday, January 10, 2020 4:33 PM
To: (b)(6);(b)(7)(C) <[REDACTED]>
Cc: MARTIN, JERRY B <[REDACTED]>
Subject: RE: Follow Up

Monday afternoon would be great.

From: (b)(6);(b)(7)(C) <[REDACTED]>
Sent: Thursday, January 9, 2020 6:39 PM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <[REDACTED]>
Subject: RE: Follow Up

Kris – I'm in training tomorrow. How's Monday or Tuesday next week?

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Thursday, January 9, 2020 11:02 AM
To: (b)(6);(b)(7)(C) <[REDACTED]>
Cc: MARTIN, JERRY B <[REDACTED]>
Subject: RE: Follow Up

(b)(6);(b)(7)(C),

Thanks for your follow up email.

Let's see if you, Brian, and I can find a time to talk on the phone tomorrow. Per my conversations with Brian in November and December, I think we are pretty close to satisfying all of the elements of the checklist. We are just waiting for our historical impact study to be completed.

(b) (5)

I have attached an image of the site. The proposed border barrier would go where the blue line is drawn.

At what times might you two be available tomorrow?

Kris

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Friday, January 3, 2020 7:01 AM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

Good Morning Kris,

Now that the holidays are behind us, I am checking in on the message below to make sure you don't have questions with the position and next steps addressed in the email. Let me know if I can answer anything for you.

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, December 13, 2019 3:39 PM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

Kris,

In response to your inquiry last week about (b) (7)(E) the attorneys and I touched base again today. It

(b) (5), (b) (7)(E)

As to the criteria DHS/CBP would use to evaluate WBTW's donation package, including any aspect that would include construction in the Roosevelt Reservation, I would point you back to the checklist we provided to WBTW during our August 27, 2019 meeting. The checklist provides detailed recitation of the factors DHS/CBP would consider in evaluating the donation package. For example, to the extent that WBTW will be constructing on private land, DHS/CBP would be looking at things like evidence of ownership, whether Phase I environmental assessment has been formed, what it shows, etc. It also goes without saying that construction should meet DHS/CBP operational requirements. Here again, the checklist we previously provided includes a detailed recitation of the design specifications that would guide DHS/CBP's evaluation of the proposed donation.

Let me know if you have any questions once you've had some time to digest.

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, December 6, 2019 12:08 PM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

(b)(6);(b)(7)(C)

Thanks for the update. Let's circle back next week.

Kris

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Friday, December 6, 2019 10:03 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys on the Roosevelt question. They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6) (b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis

U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b) (7)(E), (b) (5)



From: [MARTIN, JERRY B](#)
To: (b)(6);(b)(7)(C)
Cc: [SINGLETON, RUYNARD R](#)
Subject: Re: (b) (7)(E) Gate
Date: Tuesday, November 19, 2019 3:21:35 PM

Please work it and keep me posted. Will be on the road shortly. Interestingly. I still haven't received a call back from Kobach about RGV and this message came in within an hour of us driving through the very gate in question.

Sent from my iPhone

On Nov 19, 2019, at 12:51 PM, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> wrote:

T4, Chief. Do you want to work this or do you want me to work with Ops to get with EPT on agreements made subsequent to the letter from Chief Hull.

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Tuesday, November 19, 2019 2:49 PM
To: SINGLETON, RUYNARD R <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>
Subject: Fwd: (b) (7)(E) Gate

FYSA - will need to review what if any agreement we made in terms of the gate and get EPT's input.

Sent from my iPhone

Begin forwarded message:

From: (b) (6) (b) (6) >
Date: November 19, 2019 at 12:40:13 PM MST
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Cc: (b) (6) <(b) (6)> "kkobach@gmail.com"
<kkobach@gmail.com>, (b) (6) <(b) (6)>
Subject: (b) (7)(E) ate

Chief, I hope this email finds you well. It was my understanding when we met a few months ago in DC that Border Patrol had taken control over the operation of the (b) (7)(E) gate that WeBuildTheWall built. However, I have been informed that (b) (7)(E) (b) (7)(E)

(b) (7)(E)

In

this regard, when WeBuildTheWall made a FOIA request to establish whether in fact, there was an increase in incidents on the (b) (7)(E) or otherwise, we discovered that no incident reports were ever maintained by (b) (7)(E) prior to our FOIA request-only after our request! So, in other words, there is no way to corroborate (b) (7)(E) concerns. In any event, we are concerned that once again, (b) (7)(E)

Please let us know the position of the Border Patrol with respect to this gate, and which agency has operational control. Thank you
Respectfully, (b) (6)

(b) (6) | Partner

Barnes & Thornburg LLP

Prominence in Buckhead, 3475 Piedmont Road N.E., Suite 1700, Atlanta, GA 30305-3327

Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)

<image001.gif>

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From: kkobach@gmail.com
To: (b)(6);(b)(7)(C)
Subject: RE: Point of contact for railroad
Date: Friday, November 1, 2019 10:22:44 AM

(b)(6);(b)(7)(C)

Thanks. I appreciate it and will reach out to them today.

Kris

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, October 31, 2019 6:42 PM
To: MARTIN, JERRY B <(b)(6);(b)(7)(C)> kkobach@gmail.com
Subject: RE: Point of contact for railroad

Kris – The two POCs we have on record are:

(b) (6)

El Paso, TX 79905

Work Phone (b) (6)

Email: (b) (6)

(b) (6)

Santa Teresa, NM 88008

Work Phone: (b) (6)

Email: (b) (6)

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, October 31, 2019 2:50 PM
To: MARTIN, JERRY B <(b)(6);(b)(7)(C)> kkobach@gmail.com
Subject: RE: Point of contact for railroad

I'm just waiting for our RE SME's to provide the POC and will get back soonest.

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Sent: Thursday, October 31, 2019 2:46 PM

To: kkobach@gmail.com

Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Subject: Re: Point of contact for railroad

Hello Kris,

I did get your message and have asked the team to get you a point of contact. I'm traveling today and tomorrow so you will likely get a response from (b)(6);(b)(7)(C)

VR

Brian

Sent from my iPhone

On Oct 31, 2019, at 1:43 PM, "kkobach@gmail.com" <kkobach@gmail.com> wrote:

Brian,

Just following up on my phone message from a few days ago. If you have a name and telephone number for the railroad in (b) (7)(E), NM, we would be happy to reach out and see if they have any objection to giving WBTW temporary access across their property to the (b) (7)(E) wall project site.

Alternatively, if you have already concluded that your easement with the railroad would already permit us to gain access to the building site, with CBP permission, then please let me know.

Thanks.

Kris

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: Re: Request for Statement of No Interest Section 404 CWA
Date: Saturday, October 26, 2019 1:29:42 PM

I could have a contractor on one of our task orders assist. Just let me know timing.

On Oct 26, 2019, at 11:52 AM, (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> wrote:

Would it be someone from your team who would do this walk through with them?

Sent from my iPhone

Begin forwarded message:

From: "MARTIN, JERRY B" <(b)(6);(b)(7)(C)>
Date: October 26, 2019 at 11:49:04 AM EDT
To: "(b)(6);(b)(7)(C)" <(b)(6);(b)(7)(C)>
Subject: Fwd: Request for Statement of No Interest Section 404 CWA

Who should we refer him to?

Sent from my iPhone

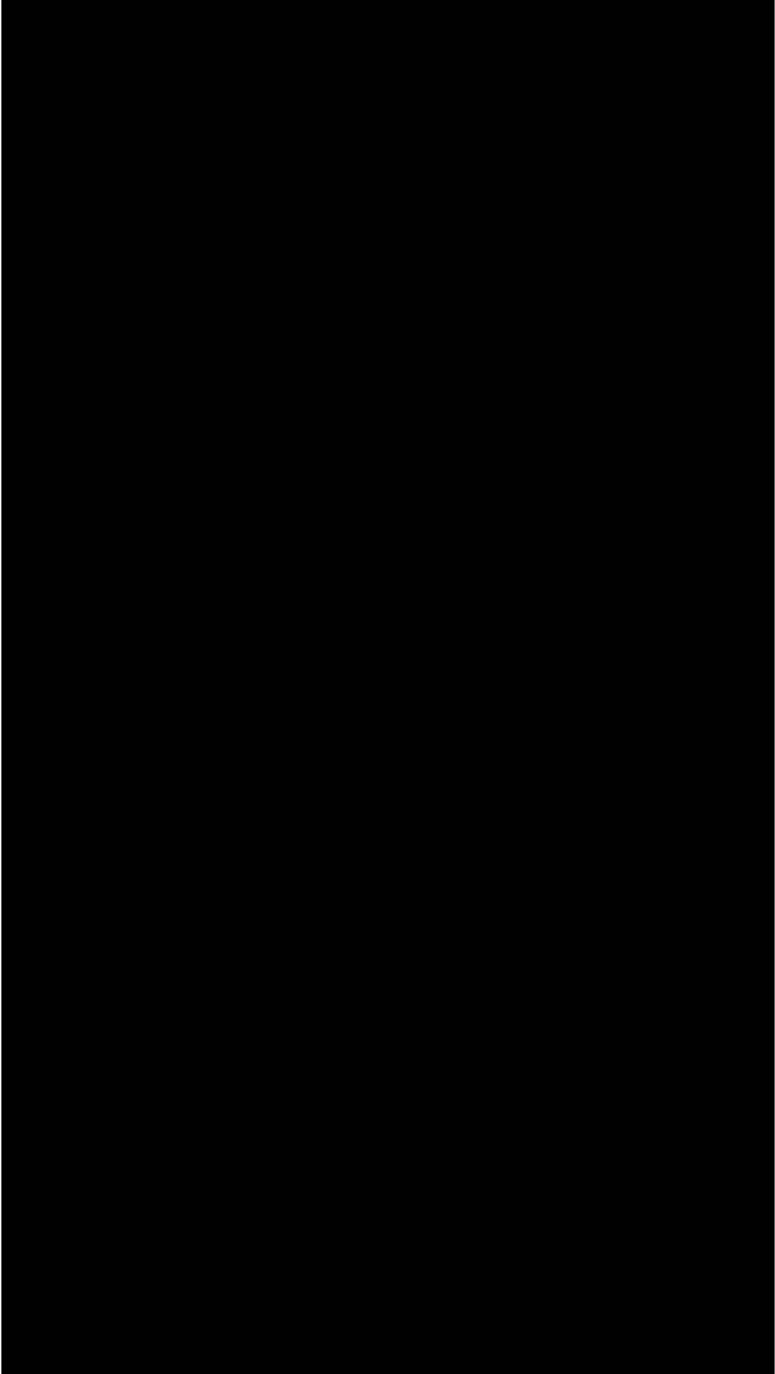
Begin forwarded message:

From: "(b) (6)" <(b) (6)>
Date: October 25, 2019 at 6:51:31 PM EDT
To: "(b) (6)" <(b) (6)>
Cc: "(b)(6);(b)(7)(C)" <(b)(6);(b)(7)(C)>
"(b)(6);(b)(7)(C)" <(b)(6);(b)(7)(C)>
"(b)(6);(b)(7)(C)" <(b)(6);(b)(7)(C)>
"kkobach@gmail.com" <kkobach@gmail.com>
Subject: Request for Statement of No Interest Section 404 CWA

Dear (b) (6) I wanted to follow up with you concerning

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)



I am aware that you or someone from your team will need to physically inspect the area prior to making your determination. By copy of this email, I am reaching out to Chief Brian Martin, Strategic Planning & Analysis Directorate of DHS, CBP, who will provide to you a local CBP contact to assist with your physical inspection of the area.

Thank you again for your kind attention to this matter.
Should you have any further requirements, please let me know.

Respectfully submitted,

(b) (6)

(b) (6) | Partner
Barnes & Thornburg LLP
Prominence in Buckhead, 3475 Piedmont Road N.E., Suite
1700, Atlanta, GA 30305-3327
Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)
(b) (6)
<image008.gif>

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Michigan | Minneapolis | Ohio | Washington, D.C.

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From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: Re: Escort of (b) (6) at (b) (7)(E)
Date: Thursday, January 16, 2020 7:24:37 PM

10-4, thanks (b)(6);(b)(7)(C)

Sent from my iPhone

On Jan 16, 2020, at 6:49 PM, (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> wrote:

Chief,

FYSA sir. El Paso has scheduled the site visit for the land survey for tomorrow pending concurrence from EPT Ops.

Respectfully,

(b)(6);(b)(7)(C)
USBP ORMD
Desk: (b)(6);(b)(7)(C)
Cell: (b)(6);(b)(7)(C)

Begin forwarded message:

From: " (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Date: January 16, 2020 at 6:31:36 PM EST
To: "kkobach@gmail.com" <kkobach@gmail.com>, (b) (6) <(b) (6)>
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: RE: Escort of (b) (6) at (b) (7)(E)

Good Afternoon (b) (6)

As we discussed earlier. Your visit is scheduled for tomorrow, Friday the 17th at 0830. As of now we are waiting on concurrence from our Operations Division. I will follow up either later this

evening or early tomorrow morning and will furnish you with their decision.

Thanks,

(b)(6);(b)(7)(C)

Operations Officer

El Paso Sector Program Management Office

Office: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

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From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Thursday, January 16, 2020 11:36 AM

To: kkobach@gmail.com

Cc: (b) (6)

Subject: Re: Escort of (b) (6) at (b) (7)(E)

Mr. Kobach,

I spoke with the (b) (7)(E) Station. They are on board to support this visit. They will have a few agents available for escort at 0830. Please let me know if this works so I may confirm.

Thank you,

(b)(6);(b)(7)(C)

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From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Thursday, January 16, 2020 10:57:12 AM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Cc: (b) (6) <(b) (6)>

Subject: Escort of (b) (6) at (b) (7)(E)

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(b)(6);(b)(7)(C)

Great talking with you on the phone. As I mentioned, (b) (6) (cc'd in this message) is available all day tomorrow to do his inspection/study of the area on the (b) (7)(E). The area starts where the existing border wall ends and goes (b) (7)(E) to the (b) (7)(E). I have attached a photo. The area is where the blue line is.

You can reach (b) (6) at home at (b) (6). Please let him know via email or phone when and where to meet tomorrow. Thanks for your help!

Kris Kobach
General Counsel, We Build the Wall
Cell (b) (6)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C);(b)(6);(b)(7)(C);(b)(6);(b)(7)(C)
Subject: RE: Escort of (b)(6) at (b)(7)(E)
Date: Thursday, January 16, 2020 5:46:18 PM

Thanks (b)(6);(b)(7)(C)

(b)(6) will meet them at the (b)(7)(E) entrance, he will be in a silver Toyota Tacoma 4 door with NM tags. His cell number is (b)(6)

Thanks again,

(b)(6);(b)(7)(C)
Operations Officer
El Paso Sector Program Management Office
Office: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

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From: (b)(6);(b)(7)(C) >
Sent: Thursday, January 16, 2020 3:23 PM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: RE: Escort of (b)(6) at (b)(7)(E)

T4 (b)(6);(b)(7)(C) will be at the (b)(7)(E) Crossing at 0830.

V/R,

(b)(6);(b)(7)(C) | Supervisory Border Patrol Agent | Program Management Office (b)(7)(E) Station |
(b)(6);(b)(7)(C) - Office

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, January 16, 2020 11:22 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: Fwd: Escort of (b)(6) at (b)(7)(E)

Good morning (b)(6);(b)(7)(C)

I just received a call from Kris Kobach with We Build the Wall. As you can see below, they would like to perform a site visit tomorrow, Friday the 17th, at the end of the wall in (b)(7)(E). Essentially the same walk BPA (b)(6);(b)(7)(C) did earlier this week with (b)(6). I apologize for the late notice, but can you have (b)(6);(b)(7)(C) available too accommodate this visit? As you can see, they are available any time tomorrow. Please let us know as soon as possible so we can advise them of the time.

Thanks, (b)(6);(b)(7)(C)

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From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Thursday, January 16, 2020 10:57 AM

To: (b)(6);(b)(7)(C)

Cc: (b)(6)

Subject: Escort of (b)(6) at (b)(7)(E)

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(b)(6);(b)(7)(C),

Great talking with you on the phone. As I mentioned, (b)(6) (cc'd in this message) is available all day tomorrow to do his inspection/study of the area on the (b)(7)(E). The area starts where the existing border wall ends and goes (b)(7)(E) to the (b)(7)(E). I have attached a photo. The area is where the blue line is.

You can reach (b)(6) at home at (b)(6). Please let him know via email or phone when and where to meet tomorrow. Thanks for your help!

Kris Kobach

General Counsel, We Build the Wall

Cell (b)(6)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C); (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)
Subject: Fwd: Escort of (b)(6) at (b)(7)(E)
Date: Thursday, January 16, 2020 1:21:41 PM
Attachments: OnX image of WBTW (b)(7)(E) site.pdf

Good morning (b)(6);(b)(7)(C)

I just received a call from Kris Kobach with We Build the Wall. As you can see below, they would like to perform a site visit tomorrow, Friday the 17th, at the end of the wall in (b)(7)(E). Essentially the same walk BPA (b)(6);(b)(7)(C) did earlier this week with (b)(6). I apologize for the late notice, but can you have (b)(6);(b)(7)(C) available too accommodate this visit? As you can see, they are available any time tomorrow. Please let us know as soon as possible so we can advise them of the time.

Thanks, (b)(6);(b)(7)(C)
Get [Outlook for iOS](#)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Thursday, January 16, 2020 10:57 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6)
Subject: Escort of (b)(6) at (b)(7)(E)

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(b)(6);(b)(7)(C)

Great talking with you on the phone. As I mentioned (b)(6) (cc'd in this message) is available all day tomorrow to do his inspection/study of the area on the (b)(7)(E). The area starts where the existing border wall ends and goes (b)(7)(E) to the (b)(7)(E). I have attached a photo. The area is where the blue line is.

You can reach (b)(6) at home at (b)(6). Please let him know via email or phone when and where to meet tomorrow. Thanks for your help!

Kris Kobach
General Counsel, We Build the Wall
Cell (b)(6)

(b) (7)(E)

From: (b)(6);(b)(7)(C)
To: (b)(6)
Cc: (b)(6) kkobach@gmail.com; (b)(6)
Subject: Re: (b)(7)(E) Gate
Date: Tuesday, November 19, 2019 9:56:14 PM

(b)(6),

It just so happens that I visited that very site today as part of a quick business trip to the El Paso area. I didn't witness any activity and there appeared to be (b)(7)(E). The infrastructure system there has been impactful.

(b)(7)(E), (b)(5)

I'll let you know once I hear back.

VR

Brian

Sent from my iPhone

On Nov 19, 2019, at 12:40 PM, (b)(6) (b)(6) > wrote:

Chief, I hope this email finds you well. It was my understanding when we met a few months ago in DC that Border Patrol had taken control over the operation of the (b)(7)(E) gate that WeBuildTheWall built. However, I have been informed that (b)(7)(E) (b)(7)(E)

(b)(7)(E)
(b)(7)(E)
(b)(7)(E)
(b)(7)(E)
(b)(7)(E)
(b)(7)(E)
(b)(7)(E)

In this regard, when WeBuildTheWall made a FOIA request to establish whether in fact, there was an increase in incidents on the (b)(7)(E) or otherwise, we discovered that no incident reports were ever maintained by (b)(7)(E) prior to our FOIA request-only after our request! So, in other words, there is no way to corroborate (b)(7)(E) concerns. In any event, we are concerned that once again, (b)(7)(E)

(b)(7)(E)
(b)(7)(E) Please let us know the position of the Border Patrol with respect to this gate, and which agency has operational control. Thank you
Respectfully, (b)(6)

(b)(6) | Partner

Barnes & Thornburg LLP

Prominence in Buckhead, 3475 Piedmont Road N.E., Suite 1700, Atlanta, GA 30305-3327

Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)

<image001.gif>

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Ohio | Washington, D.C.

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From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: Re: We Build the Wall (b)(7)(E) Project Proposal
Date: Wednesday, October 23, 2019 3:33:25 PM

I just received a call from Kris Kobach and he had a few more questions. He feels confident they will meet our requirements provided we verify real estate for UPRR access and Roosevelt easement.

Sent from my iPhone

On Oct 23, 2019, at 3:11 PM, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> wrote:

Hi Chief,

I'm working on the Weekly, have you received a response from WBTW folks?

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Senior Communications Analyst
Agile Group
Border Wall Program Management Office
Program Management Office Directorate
United States Border Patrol
Mobile: (b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Wednesday, October 16, 2019 2:50 PM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Friday, October 11, 2019 4:24 PM
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> SINGLETON, RUYNARD R
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>

Subject: RE: We Build the Wall (b) (7)(E) Project Proposal

Sir,

The team has reviewed the We Build The Wall (WBTW) checklist. I appreciate your patience as we've carefully gone through each of the items. Below are the following issues captured by the team:

- <!--[if !supportLists]-->1. <!--[endif]-->Real Estate: CBP does not concur with WBTW's assessment. DHS does not own all of the land in this area. Additionally, access roads are an agreement between private landowners and DHS, and would not be transferable to WBTW. WBTW would need to obtain separate access with private land owners. Documentation is needed for real estate. The attached document is CBP's assessment on land ownership.
- <!--[if !supportLists]-->2. <!--[endif]-->Environmental: WBTW needs to provide documentation on all environmental findings and agreements with SHPO. Previous project environmental impacts (i.e. 2008) or similar projects in the area (i.e. WBTW project at (b) (7)(E)) cannot be used as justification for environmental clearance. All environmental clearances must be project site specific. The statement in the checklist regarding contaminants is not acceptable and needs to be conducted by WBTB.
- <!--[if !supportLists]-->3. <!--[endif]-->The wall should be (b) (7)(E) feet as noted in the checklist
- <!--[if !supportLists]-->4. <!--[endif]-->The wall should be (b) (7)(E) feet as noted in the checklist
- <!--[if !supportLists]-->5. <!--[endif]-->IBWC coordination is required and not noted in the checklist, to include hydrology coordination and international boundary survey's prior to construction.
- <!--[if !supportLists]-->6. <!--[endif]-->Gates are required at all IBWC monuments per TI standards (2 to 3 monuments may be in this area)
- <!--[if !supportLists]-->7. <!--[endif]-->It was stated that fill sections will be filled with "processed fill" – need confirmation that this will be "certified clean fill" as per environmental needs.
- <!--[if !supportLists]-->8. <!--[endif]-->Need an explanation on the "N/A" response from WBTW regarding Procurement process.
- <!--[if !supportLists]-->9. <!--[endif]-->Need explanation on how WBTW will (b) (7)(E) (b) (7)(E) when talking about (b) (7)(E)

Please consider these concerns and let me know if you have time to discuss.

Have a great weekend,

Brian Martin
U.S. Border Patrol

Chief of Strategic Planning and Analysis

Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, October 11, 2019 4:16 PM

To: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>

Subject: RE: We Build the Wall (b)(7)(E) Project Proposal

Brian,

Just left you a voicemail touching base. Please give me a call when you have a chance.
Thanks.

Kris

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Sent: Friday, October 4, 2019 11:57 AM

To: kkobach@gmail.com

Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>

Subject: FW: We Build the Wall (b)(7)(E) Project Proposal

Kris,

Thank you for the call this morning. As I'm sure you can understand, we are extremely busy right now, however we appreciate all the work your team has put into the documents.
Our projects team and legal are currently reviewing the documents you sent over. We will be meeting mid-next-week and will be able to follow up after we have determined a path forward.

Thank you for your patience.
Brian

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, September 27, 2019 3:55 PM

To: MARTIN, JERRY B <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)

<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)

<(b)(6);(b)(7)(C)>

Subject: We Build the Wall (b)(7)(E) Project Proposal

Dear Brian, (b) (6);(b) (7)(C), and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b) (7)(E) wall extension that We Build the Wall (WBTW) has proposed to build at the (b) (7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b) (7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-trafficked border area.

Yours,

Kris Kobach
General Counsel,
We Build the Wall

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b) (6);(b) (7)(C)
M- (b) (6);(b) (7)(C)

<(b) (7)(E)WBTW USACE Real Estate Reivew.pdf>

From: (b)(6);(b)(7)(C)
To: SINGLETON, RUYNARD R; (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: Fwd: We Build the Wall (b)(7)(E) Project Proposal
Date: Tuesday, October 1, 2019 1:52:50 PM
Attachments: (b)(7)(E) - WBTW - Answers to CBP Checklist.xlsx
AT100001.htm
(b)(7)(E) - WBTW - Hydro Analysis.pdf
AT100002.htm
(b)(7)(E) - WBTW - Slope information re hydro analysis.pdf
AT100003.htm
(b)(7)(E) - WBTW - Profile grades and panel information.pdf
AT100004.htm
(b)(7)(E) - WBTW - NOAA Precipitation Data.pdf
AT100005.htm

FYSA - we need to start our review.

Sent from my iPhone

Begin forwarded message:

From: <kkobach@gmail.com>
Date: September 27, 2019 at 3:54:34 PM EDT
To: "MARTIN, JERRY B" <(b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)> " (b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)>
Subject: We Build the Wall (b)(7)(E) Project Proposal

Dear Brian, (b)(6);(b)(7)(C) and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b)(7)(E) wall extension that We Build the Wall (WBTW) has proposed to build at the (b)(7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b)(7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-trafficked border area.

Yours,

Kris Kobach
General Counsel,

We Build the Wall

WBTW ANSWERS TO CBP BARRIER CECKLIST - (b) (7)(E) PROJECT

NUMBER

ANSWER

- 1 Ownership - N/A (land is already owned by DHS according to county records).
- 2 Roosevelt Reservation - The western portion of the parcel is wider than the Roosevelt Reservation; the eastern portion is the same width as the Reservation.
- 3 Access - DHS is the agency that owns the parcel; no other agency controls access to parcel.
- 4 Private land deed of transfer - N/A.
- 5 Title Search - N/A.
- 6 Staging area - The wider western portion of the parcel will be the staging area. It is already owned by DHS. No other agency permission is necessary.
- 7 Private land deed of transfer - N/A.
- 8 Private land temporary easement - N/A.
- 9 Private land permanent easement - N/A.
- 10 Rio Grande River flood impact - N/A.
- 11 Permits re waters of the United States - N/A; see hydro analysis, attached.
- NEPA - No federal or state permits are required on this site. It should be noted that, because the project extends existing barrier that was built in 2008 to the (b) (7)(E) by only (b) (7)(E), the same environmental impacts (or lack thereof) in 2008 should apply to the proposed extension of the existing barrier. It should also be noted that the barrier would remain open on the (b) (7)(E) end, so any animals unable to move between the bollards could continue to walk around the (b) (7)(E) end of the project. Finally, with respect to historical preservation, the SHPO has been contacted and informed of proposed project. The SHPO found no adverse impact to historical sites with the construction of the WBTW project (b) (7)(E) (b) (7)(E).
- 12 Environmental site assesment for contaminants - This property is already owned by DHS. Any existing contaminants would already be a matter of DHS responsibility.
- 13 CBP TI design standards - Agreed; WBTW will construct to CBP TI design standards.
- 14 ICC IBC risk category - Agreed; engineer will do so.
- 15 Load combinations - Agreed; engineer will do so.
- 16 Offset from border - Due to the rugged surface condition we will have (b) (7)(E) offset.
- 17 Height - We will match the existing fence height of (b) (7)(E).
- 18 (b) (7)(E).
- 19 Color - The wall will not be painted, in order to match existing adjacent wall
- 20 Ponding - Agreed; ponding will not occur.
- 21 Deterrent to under-digging - Agreed; (b) (7)(E).
- 22 Spacing - Agreed (b) (7)(E) spacing between bollards will be used.
- 23 Drainage - Agreed to a, b, and c.
- 24 No levee walls - N/A.
- 25 Foundation design - Agreed. We will overex and recompact on grade-and-cut sections. Fill sections will be made with processed fill.
- 26 Debris removal - Agreed.
- 27 Coordination with USBP Wall PMO - Agreed.
- 28 Design report - Agreed.
- 29 Contractor meeting with Wall Program Team - Agreed.
- 30 Closeout package - a. We will use licensed third party. B. Agreed. C. Agreed. D. We will provide final redlined as built.
- 31 Congressionally imposed restrictions - Agreed. A. N/A.
- 32 Gifts - Agreed.
- 33 DHS gifts - Agreed.
- 34 Procurement process - N/A.
- 35 (b) (7)(E).
- 36 Time to cross - Agreed.
- 37 Deterrent to under-digging - (b) (7)(E).
- 38 (b) (7)(E).
- 39 (b) (7)(E) (b) (7)(E).
- 40 Agent access - We will meet requirements a., b., and c.
- 41 Surveillance interoperability - We will meet requirements a. and b.
- 42 Reliability - The wall system will significantly exceed the objective of 20 years.

September 18, 2019

We Build The Wall
P.O. Box 131567
Houston, TX. 77219-1567

Attn: (b) (6)
Legal Counsel, We Build The Wall

RE: Bollard Project; (b) (7)(E) New Mexico

Subject: Drainage Report for (b) (7)(E)

Greetings,

Please be advised that upon completion of this Project all of the off-property drainage patterns and capacity at this site will continue to allow for the free passage onto, through and continuing downslope from this site. No significant volumes of drainage will be blocked by the installation of the new bollard fence and the small amount of additional on-site drainage that sheet flows from the new road surface to the south will not significantly increase the volumes handled by the existing washes.

Our review of the topography indicates that there are three small watersheds, each of which will contribute flow to drainages that will cross south into Mexico. We will construct low-flow crossings at the three identified outlet locations. The length of these low-flow crossings will be determined by the volume of flow calculated for the 50 year event to pass through the spacing in the bollard fence system. Each watershed will drain to it's own corresponding low-flow crossing.

Thank you for your time regarding this issue. Please feel free to call if you have any questions or require any additional information.

Regards,
(b) (6) (b) (6)
Civil Engineer

Cc: (b) (6) President, FSG, TGR

ATTACHMENT: We Build The Wall; Project at (b) (7)(E)
September 18, 2019

LETTER dated

i = 3.23 inches/hour for the 50 year 30 minute event. Please see attached table from NOAA Atlas 14, Volume 1, Version 5.

Velocity over sand & gravel bottom (slope average 5-15%) is determined to be 4 ft./sec.

CCR area	surface	C	A(ac.)	Q (cfs)
W1	rocky soil	0.2	8.3	5.39
W2	rocky soil	0.2	2.8	1.81
W3	rocky soil	0.2	2.0	1.28

The peak flow rates for these three watersheds has been determined as listed above for the 50 year event. These flow rates will be handled by the existing washes and tributaries and will pass through the bollards at the appropriately sized low-flow crossings.

(b) (6)



(b) (6)



(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

TOTAL (b) (7)(E) PANELS = (b) (7)(E) EACH

(b) (7)(E)

Panel Sequence Per Profile

(b) (7)(E)

CL FENCE PROFILE

END PROJECT

(b) (7)(E)



NOAA Atlas 14, Volume 1, Version 5
 Location name: (b) (7)(E) New Mexico, USA*
 Latitude: (b) (7)(E) Longitude: (b) (7)(E)
 Elevation: (b) (7)(E)
 * source: ESRI Maps
 ** source: USGS



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Haim, Lillian Hiner, Kazungu Maitani, Deborah Marlin, Sandra Pavlovic, Ishani Roy, Carl Tryppaluk, Dale Unruh, Fenglin Yan, Michael Yokta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchon

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & aerials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	2.59 (2.27-2.93)	3.35 (2.94-3.80)	4.51 (3.97-5.10)	5.41 (4.74-6.12)	6.64 (5.78-7.50)	7.63 (6.61-8.63)	8.66 (7.46-9.77)	9.74 (8.34-11.0)	11.2 (9.49-12.7)	12.4 (10.5-14.1)
10-min	1.97 (1.72-2.23)	2.55 (2.24-2.90)	3.43 (3.02-3.89)	4.12 (3.61-4.66)	5.05 (4.40-5.71)	5.81 (5.03-6.56)	6.59 (5.68-7.44)	7.41 (6.35-8.38)	8.53 (7.22-9.65)	9.45 (7.96-10.7)
15-min	1.63 (1.42-1.84)	2.11 (1.85-2.39)	2.84 (2.50-3.21)	3.40 (2.99-3.85)	4.18 (3.64-4.71)	4.80 (4.16-5.43)	5.44 (4.69-6.15)	6.12 (5.25-6.92)	7.05 (5.97-7.97)	7.81 (6.57-8.85)
30-min	1.10 (0.960-1.24)	1.42 (1.25-1.61)	1.91 (1.68-2.16)	2.29 (2.01-2.59)	2.81 (2.45-3.17)	3.23 (2.80-3.65)	3.67 (3.16-4.14)	4.12 (3.53-4.68)	4.75 (4.02-5.37)	5.26 (4.43-5.96)
60-min	0.678 (0.594-0.768)	0.878 (0.772-0.997)	1.18 (1.04-1.34)	1.42 (1.24-1.61)	1.74 (1.52-1.96)	2.00 (1.73-2.26)	2.27 (1.96-2.56)	2.56 (2.19-2.88)	2.94 (2.49-3.32)	3.25 (2.74-3.69)
2-hr	0.367 (0.342-0.438)	0.503 (0.446-0.572)	0.688 (0.610-0.778)	0.832 (0.731-0.940)	1.03 (0.902-1.16)	1.19 (1.03-1.34)	1.37 (1.17-1.54)	1.55 (1.32-1.74)	1.80 (1.51-2.03)	2.01 (1.67-2.27)
3-hr	0.272 (0.242-0.307)	0.352 (0.313-0.396)	0.476 (0.424-0.536)	0.573 (0.508-0.643)	0.708 (0.622-0.793)	0.816 (0.711-0.912)	0.932 (0.805-1.04)	1.06 (0.901-1.18)	1.23 (1.03-1.38)	1.37 (1.14-1.54)
6-hr	0.156 (0.139-0.174)	0.200 (0.179-0.224)	0.265 (0.236-0.297)	0.316 (0.280-0.353)	0.385 (0.339-0.430)	0.440 (0.384-0.490)	0.497 (0.431-0.554)	0.558 (0.479-0.623)	0.642 (0.544-0.718)	0.709 (0.596-0.796)
12-hr	0.086 (0.076-0.095)	0.109 (0.098-0.122)	0.143 (0.128-0.160)	0.169 (0.151-0.188)	0.204 (0.181-0.227)	0.231 (0.204-0.257)	0.259 (0.228-0.289)	0.288 (0.251-0.322)	0.328 (0.282-0.368)	0.360 (0.307-0.405)
24-hr	0.049 (0.044-0.054)	0.062 (0.056-0.070)	0.083 (0.074-0.083)	0.099 (0.088-0.112)	0.123 (0.107-0.139)	0.141 (0.122-0.161)	0.161 (0.137-0.186)	0.182 (0.152-0.213)	0.212 (0.172-0.254)	0.237 (0.187-0.290)
2-day	0.026 (0.023-0.029)	0.033 (0.030-0.038)	0.045 (0.040-0.050)	0.054 (0.048-0.061)	0.067 (0.058-0.076)	0.079 (0.067-0.090)	0.091 (0.076-0.106)	0.105 (0.085-0.124)	0.125 (0.098-0.152)	0.142 (0.107-0.177)
3-day	0.019 (0.017-0.021)	0.024 (0.021-0.027)	0.032 (0.028-0.036)	0.038 (0.034-0.043)	0.048 (0.042-0.054)	0.056 (0.048-0.064)	0.064 (0.054-0.075)	0.073 (0.060-0.087)	0.087 (0.069-0.106)	0.099 (0.075-0.123)
4-day	0.015 (0.013-0.017)	0.019 (0.017-0.021)	0.025 (0.023-0.029)	0.031 (0.027-0.035)	0.038 (0.033-0.043)	0.044 (0.038-0.051)	0.051 (0.043-0.059)	0.058 (0.047-0.068)	0.068 (0.054-0.083)	0.077 (0.059-0.096)
7-day	0.010 (0.009-0.011)	0.012 (0.011-0.014)	0.017 (0.015-0.019)	0.020 (0.018-0.023)	0.025 (0.022-0.028)	0.029 (0.025-0.033)	0.034 (0.029-0.039)	0.038 (0.031-0.045)	0.045 (0.036-0.055)	0.051 (0.039-0.063)
10-day	0.007 (0.007-0.008)	0.010 (0.008-0.011)	0.013 (0.011-0.014)	0.016 (0.014-0.018)	0.020 (0.017-0.022)	0.023 (0.019-0.026)	0.026 (0.022-0.030)	0.030 (0.025-0.035)	0.036 (0.028-0.043)	0.040 (0.031-0.049)
20-day	0.005 (0.004-0.005)	0.006 (0.005-0.007)	0.008 (0.007-0.009)	0.010 (0.008-0.011)	0.012 (0.010-0.013)	0.013 (0.012-0.015)	0.015 (0.013-0.017)	0.017 (0.014-0.020)	0.020 (0.016-0.023)	0.022 (0.018-0.027)
30-day	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.006-0.007)	0.007 (0.007-0.008)	0.009 (0.008-0.010)	0.010 (0.009-0.011)	0.011 (0.010-0.013)	0.012 (0.011-0.014)	0.014 (0.012-0.017)	0.016 (0.013-0.019)
45-day	0.003 (0.003-0.003)	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.008 (0.007-0.010)	0.009 (0.008-0.011)	0.010 (0.009-0.012)	0.011 (0.009-0.013)
60-day	0.002 (0.002-0.003)	0.003 (0.003-0.004)	0.004 (0.004-0.005)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.007)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.009 (0.007-0.010)	0.010 (0.008-0.011)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: Fwd: U.S. Customs and Border Protection Deputy Commissioner
Date: Tuesday, July 30, 2019 10:51:43 AM

Thought I sent this

Sent from my iPhone

Begin forwarded message:

From: <kkobach@gmail.com>
Date: July 22, 2019 at 6:52:33 PM EDT
To: "MARTIN, JERRY B" <(b)(6);(b)(7)(C)>
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Mr. Martin,

Thanks for your message. We would be happy to meet with your team in DC on one of the dates proposed. Although either date would work, the most convenient would be Tuesday the 27th of August at around 2 PM. (That would give us time to fly in to DC the same day.) But if that specific time doesn't work, let me know; we can choose another time that works.

We would bring a fairly small group: just me, my fellow attorney (b)(6) and our construction foreman (b)(6). We should be able to address any legal, site selection, or design-related issues you wish to discuss. If you think we should come prepared to discuss other matters and should bring other team members please let me know.

I look forward to seeing you in August.

Kris Kobach

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Monday, July 22, 2019 10:40 AM
To: kkobach@gmail.com
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

In keeping with the commitment made in the letter sent from CBP's Deputy Commissioner Robert Perez, I am following up to offer an opportunity to meet with *We Build the Wall* in person in Washington DC. Are you available to meet

the week of August 26th on either the 26th or the 27th? We are flexible as to the time based on your availability. We appreciate your continued interest in border security and the role that physical barriers play in assisting U.S. Border Patrol operations.

Between now and the proposed meeting date, as explained by the Deputy Commissioner, we will be working to complete both a review of the already constructed border barrier in (b) (7)(E), New Mexico as well as to develop a checklist to be made available to organizations, such as yours, that seek to construct a private border barrier with the intention of donating it to the Government. As you are aware, as the Federal government we have myriad requirements we must meet in order to receive a donation such as this, characterized by the list we provided in our prior letter.

Ensuring that any interactions we have with private organizations do not jeopardize other ongoing work is one critical requirement. While we are happy to continue our discussions with *We Build the Wall*, we must guard against perceived or actual conflicts of interest with any vendor that may bid on work through the competitive process. As we understand it, Fisher Industries serves as *We Build the Wall*'s vendor. We would ask that any future communications be addressed from *We Build The Wall* principles or staff, as opposed to Mr. Fisher or others associated with his company. This limits the risk that other vendors may perceive Fisher Industries to have an unfair advantage in bidding on other border wall work, such as the work they have actively pursued through the CBP's service provider, the U.S. Army Corps of Engineers. We would ask that you pass this request on to your vendor and request they cease contact with U.S. Border Patrol and support POCs as it pertains to construction undertaken by *We Build the Wall*. Should Fisher Industries have questions or comments regarding other ongoing work, they can always reach out through the normal communications channels available to them through CBP's Office of Acquisition and the U.S. Army Corps of Engineers. That said, we welcome continued contact with you and your counterparts from the *We Build the Wall* organization and look forward to meeting you the week of August 26.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Tuesday, July 9, 2019 4:36 PM
To: kkobach@gmail.com
Subject: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

Good afternoon. My name is (b)(6);(b)(7)(C) and I am the Special Assistant to U.S. Customs and Border Protection Deputy Commissioner Robert E. Perez.

Attached you will find a letter for your reference, please note an original is being mailed to you as well. A CBP team will be reaching out to you soon to discuss this topic further. In the interim the Deputy Commissioner asked that I relay that he is available to speak with you at your convenience, should you have any questions or concerns.

Please feel free to contact me directly and I will be happy to coordinate further.

Thank you,

(b)(6);(b)(7)(C)

Special Assistant to the Deputy Commissioner

U.S. Customs and Border Protection

Department of Homeland Security

Ronald Reagan Building

1300 Pennsylvania Ave, NW

Washington, DC 20229

Work-(b)(6);(b)(7)(C)

Cell-(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: kkobach@gmail.com
Subject: Re: WBTW Permitting Question
Date: Tuesday, July 30, 2019 10:16:56 AM

Mr. Kobach,

Unfortunately the letter is considered official government correspondence and I'm able to send externally. I will say that our letter advocates for (b) (7)(E)
(b) (5)
(b) (5)

Regards,

Brian

Sent from my iPhone

On Jul 25, 2019, at 5:44 PM, "kkobach@gmail.com" <kkobach@gmail.com> wrote:

Brian,

That's great news. Is there any chance you could email me a copy of the letter, so that I am fully informed when I next speak with Commissioner Harkins?

If you need to reach me quickly don't hesitate to text me at my cell number below. Thanks.

Kris

Cell number (b) (6)

On Jul 25, 2019, at 2:00 PM, MARTIN, JERRY B
<(b)(6);(b)(7)(C)> wrote:

Mr. Kobach,

I am following up on your conversation with Deputy Commissioner Perez today regarding the U.S. International Boundary and Water Commission's statement (b) (7)(E)

A letter has been sent from USBP leadership to Commissioner Harkins indicating our request (b) (7)(E). Feel free to follow up with Commissioner Harkins and do not hesitate to reach out if we can be of further assistance.

VR,

Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Wednesday, July 24, 2019 9:33 PM

To: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Re: WBTW Permitting Question

Brian,

Thanks for your message. I think you are referring to my discussion with Deputy Commissioner Perez regarding the future control of the section of wall we already constructed. In that case, we have already granted to DHS and recorded with the county a permanent easement to the wall and a (b)(7)(C) strip that it is on. That would not be revocable and should suffice to allow the Border Patrol to make any changes it wishes. If the Border Patrol wishes to gain additional control of that section we are more than happy to discuss it.

We are flexible with how we approach each project and ultimately want to best assist the Border Patrol in it's mission. So, for example, at (b)(7)(E) DHS already owns the land outright. We would simply be coming on site, building, then leaving a gift to the Border Patrol.

Please let me know if you have follow up questions. Hopefully we will have a chance to meet soon.

Yours,
Kris

On Jul 24, 2019, at 4:39 PM, MARTIN, JERRY B

<(b)(6);(b)(7)(C)> wrote:

Mr. Kobach,

As I understand it from Deputy Commissioner Perez, you raised a question regarding the possibility of building barriers on land permitted by the (b)(7)(E) to

build. Without detailed and specific background on this issue, we had to make some assumptions in answering the inquiry – most notably that the final goal of any construction would be, as previously stated by We Build the Wall, to donate the final product to the government.

Unfortunately, if the intent is to donate the completed wall to the government, a temporary interest such as a permit would likely not be sufficient. CBP acquires permanent real estate interests to support construction and long-term maintenance of border wall. There are numerous reasons for this, including the fact that acquiring a permanent interest in the real estate ensures that CBP will have permanent access to the barrier as well as the ability to quickly and effectively maintain the barrier, especially when emergency repairs are needed to safeguard the integrity of the barrier itself. Additionally, acquiring a permanent real estate interest also allows CBP to make future modifications to the barriers without seeking additional permission from the landowner. For instance, CBP could install additional or new (b) (7)(E)

(b) (7)(E) without having to seeking additional permission or consent from the private landowner. In contrast, acquiring a permit or license from a private landowner has significant shortcomings. As an example, permits and licenses are generally not considered to be real estate interests, therefore, they typically can be revoked by the person granting the license. Revocation of the license also would terminate CBP's ability to maintain the infrastructure, thus shortening the life cycle of the barrier.

That said, we made some assumptions in answering this question. If there is other information that would be helpful or you believe might change the outcome, we would be happy to continue exploring to ensure we adequately address the question posed.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: Re: U.S. Customs and Border Protection Deputy Commissioner
Date: Tuesday, July 30, 2019 10:12:05 AM

(b)(6);(b)(7)(C)
?

I apologize if I didn't forward but Mr. Kobach has confirmed for 27 August at around 2p. Of course we'll want to set up an internal meeting beforehand to prep.

Thanks,

Brian

Sent from my iPhone

On Jul 30, 2019, at 10:00 AM, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> wrote:

Chief,

Good morning. Did we confirm a date for this meeting? I need to add to C2 calendar.

Thank you,

(b)(6), (b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work: (b)(6);(b)(7)(C)
Cell: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Monday, July 22, 2019 11:40 AM
To: kkobach@gmail.com
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

In keeping with the commitment made in the letter sent from CBP's Deputy Commissioner Robert Perez, I am following up to offer an opportunity to meet with *We Build the Wall* in person in Washington DC. Are you available to meet the week of August 26th on either the 26th or the 27th? We are flexible as to the time based on your availability. We appreciate your continued interest in border security and the role that physical barriers play in assisting U.S. Border Patrol

operations.

Between now and the proposed meeting date, as explained by the Deputy Commissioner, we will be working to complete both a review of the already constructed border barrier in (b) (7)(E), New Mexico as well as to develop a checklist to be made available to organizations, such as yours, that seek to construct a private border barrier with the intention of donating it to the Government. As you are aware, as the Federal government we have myriad requirements we must meet in order to receive a donation such as this, characterized by the list we provided in our prior letter.

Ensuring that any interactions we have with private organizations do not jeopardize other ongoing work is one critical requirement. While we are happy to continue our discussions with *We Build the Wall*, we must guard against perceived or actual conflicts of interest with any vendor that may bid on work through the competitive process. As we understand it, Fisher Industries serves as *We Build the Wall*'s vendor. We would ask that any future communications be addressed from *We Build The Wall* principles or staff, as opposed to Mr. Fisher or others associated with his company. This limits the risk that other vendors may perceive Fisher Industries to have an unfair advantage in bidding on other border wall work, such as the work they have actively pursued through the CBP's service provider, the U.S. Army Corps of Engineers. We would ask that you pass this request on to your vendor and request they cease contact with U.S. Border Patrol and support POCs as it pertains to construction undertaken by *We Build the Wall*. Should Fisher Industries have questions or comments regarding other ongoing work, they can always reach out through the normal communications channels available to them through CBP's Office of Acquisition and the U.S. Army Corps of Engineers. That said, we welcome continued contact with you and your counterparts from the *We Build the Wall* organization and look forward to meeting you the week of August 26.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Tuesday, July 9, 2019 4:36 PM
To: kkobach@gmail.com
Subject: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

Good afternoon. My name is (b)(6);(b)(7)(C) and I am the Special Assistant to U.S. Customs and Border Protection Deputy Commissioner Robert E. Perez. Attached you will find a letter for your reference, please note an original is being mailed to you as well. A CBP team will be reaching out to you soon to discuss this topic further. In the interim the Deputy Commissioner asked that I relay that

he is available to speak with you at your convenience, should you have any questions or concerns.

Please feel free to contact me directly and I will be happy to coordinate further.

Thank you,

(b)(6);(b)(7)(C)

Special Assistant to the Deputy Commissioner

U.S. Customs and Border Protection

Department of Homeland Security

Ronald Reagan Building

1300 Pennsylvania Ave, NW

Washington, DC 20229

Work- (b)(6);(b)(7)(C)

Cell- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: [CHAVEZ, GLORIA I](#)
Subject: Re: WBTW Permitting Question
Date: Thursday, July 25, 2019 8:19:31 PM

Sounds good Chief.

Sent from my iPhone

On Jul 25, 2019, at 8:12 PM, CHAVEZ, GLORIA I <(b)(6);(b)(7)(C)> wrote:

Yes, let's schedule so we can talk Chief. I fly out to El Paso on Sunday so can we calendar something for tomorrow or over weekend?

GC

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Sent: Thursday, July 25, 2019 1:16 PM
To: CHAVEZ, GLORIA I <(b)(6);(b)(7)(C)>
Subject: FW: WBTW Permitting Question

Chief,

We probably need to discuss this before you start in EPT. Need to make sure you understand the legal issues surrounding the We Build The Wall Group and their project in (b) (7)(E)

VR

Brian

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, July 25, 2019 4:10 PM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: FW: WBTW Permitting Question

FYSA per our conversation with C2. We'll let you know if anything comes back.

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Sent: Thursday, July 25, 2019 4:01 PM

To: kkobach@gmail.com

Subject: RE: WBTW Permitting Question

Mr. Kobach,

I am following up on your conversation with Deputy Commissioner Perez today regarding the U.S. International Boundary and Water Commission's statement (b) (7)(E)

A letter has been sent from USBP leadership to Commissioner Harkins indicating our request (b) (7)(E)

. Feel free to follow up with Commissioner Harkins and do not hesitate to reach out if we can be of further assistance.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O-(b)(6);(b)(7)(C)
M-(b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Wednesday, July 24, 2019 9:33 PM

To: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Re: WBTW Permitting Question

Brian,

Thanks for your message. I think you are referring to my discussion with Deputy Commissioner Perez regarding the future control of the section of wall we already constructed. In that case, we have already granted to DHS and recorded with the county a permanent easement to the wall and a (b) (7)(E) strip that it is on. That would not be revocable and should suffice to allow the Border Patrol to make any changes it wishes. If the Border Patrol wishes to gain additional control of that section we are more than happy to discuss it.

We are flexible with how we approach each project and ultimately want to best assist the Border Patrol in it's mission. So, for example, at (b) (7)(E) DHS already owns the land outright. We would simply be coming on site, building, then leaving a gift to the Border Patrol.

Please let me know if you have follow up questions. Hopefully we will have a chance to meet soon.

Yours,
Kris

On Jul 24, 2019, at 4:39 PM, MARTIN, JERRY B <[REDACTED] (b)(6);(b)(7)(C)> wrote:

Mr. Kobach,

As I understand it from Deputy Commissioner Perez, you raised a question regarding the possibility of building barriers on land permitted by the [REDACTED] (b) (7)(E) to build. Without detailed and specific background on this issue, we had to make some assumptions in answering the inquiry – most notably that the final goal of any construction would be, as previously stated by We Build the Wall, to donate the final product to the government.

Unfortunately, if the intent is to donate the completed wall to the government, a temporary interest such as a permit would likely not be sufficient. CBP acquires permanent real estate interests to support construction and long-term maintenance of border wall. There are numerous reasons for this, including the fact that acquiring a permanent interest in the real estate ensures that CBP will have permanent access to the barrier as well as the ability to quickly and effectively maintain the barrier, especially when emergency repairs are needed to safeguard the integrity of the barrier itself. Additionally, acquiring a permanent real estate interest also allows CBP to make future modifications to the barriers without seeking additional permission from the landowner. For instance, CBP could install additional or [REDACTED] (b) (7)(E) without having to seeking additional permission or consent from the private landowner. In contrast, acquiring a permit or license from a private landowner has significant shortcomings. As an example, permits and licenses are generally not considered to be real estate interests, therefore, they typically can be revoked by the person granting the license. Revocation of the license also would terminate CBP's ability to maintain the infrastructure, thus shortening the life cycle of the barrier.

That said, we made some assumptions in answering this question. If there is other information that would be helpful or you believe might change the outcome, we would be happy to continue exploring to ensure we adequately address the question posed.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: Fwd: WBTW Permitting Question
Date: Wednesday, July 24, 2019 9:35:08 PM

FYSA

Sent from my iPhone

Begin forwarded message:

From: kkobach@gmail.com
Date: July 24, 2019 at 9:33:19 PM EDT
To: "MARTIN, JERRY B" <(b)(6);(b)(7)(C)>
Subject: Re: WBTW Permitting Question

Brian,

Thanks for your message. I think you are referring to my discussion with Deputy Commissioner Perez regarding the future control of the section of wall we already constructed. In that case, we have already granted to DHS and recorded with the county a permanent easement to the wall and a (b)(7)(E) strip that it is on. That would not be revocable and should suffice to allow the Border Patrol to make any changes it wishes. If the Border Patrol wishes to gain additional control of that section we are more than happy to discuss it.

We are flexible with how we approach each project and ultimately want to best assist the Border Patrol in it's mission. So, for example, at (b)(7)(E) DHS already owns the land outright. We would simply be coming on site, building, then leaving a gift to the Border Patrol.

Please let me know if you have follow up questions. Hopefully we will have a chance to meet soon.

Yours,
Kris

On Jul 24, 2019, at 4:39 PM, MARTIN, JERRY B
<(b)(6);(b)(7)(C)> wrote:

Mr. Kobach,

As I understand it from Deputy Commissioner Perez, you raised a question regarding the possibility of building barriers on land permitted by the (b)(7)(E) to build. Without detailed and specific background on this issue, we had to make some assumptions in answering the inquiry – most

notably that the final goal of any construction would be, as previously stated by We Build the Wall, to donate the final product to the government.

Unfortunately, if the intent is to donate the completed wall to the government, a temporary interest such as a permit would likely not be sufficient. CBP acquires permanent real estate interests to support construction and long-term maintenance of border wall. There are numerous reasons for this, including the fact that acquiring a permanent interest in the real estate ensures that CBP will have permanent access to the barrier as well as the ability to quickly and effectively maintain the barrier, especially when emergency repairs are needed to safeguard the integrity of the barrier itself. Additionally, acquiring a permanent real estate interest also allows CBP to make future modifications to the barriers without seeking additional permission from the landowner. For instance, CBP could install additional or new (b) (7)(E) without having to seeking additional permission or consent from the private landowner. In contrast, acquiring a permit or license from a private landowner has significant shortcomings. As an example, permits and licenses are generally not considered to be real estate interests, therefore, they typically can be revoked by the person granting the license. Revocation of the license also would terminate CBP's ability to maintain the infrastructure, thus shortening the life cycle of the barrier.

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VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: [HULL, AARON A](#)
Subject: Re: Invitation to Chief Aaron Hull
Date: Thursday, May 30, 2019 12:48:01 PM

10-4, thanks for the visibility Chief.

Sent from my iPhone

On May 30, 2019, at 10:38 AM, HULL, AARON A <(b)(6);(b)(7)(C)> wrote:

Chief, FYI.

Aaron A. Hull
Chief Patrol Agent
El Paso Sector
U.S. Border Patrol
(b)(6);(b)(7)(C)

From: HULL, AARON A
Sent: Thursday, May 30, 2019 10:38 AM
To: HASTINGS, BRIAN S <(b)(6);(b)(7)(C)>
Cc: CLEM, CHRIS T <(b)(6);(b)(7)(C)>
Subject: FW: Invitation to Chief Aaron Hull

Chief:

FYI. This is the private group that built a wall near Monument One on the American Eagle Brick Plant property. We were not involved in any way in the effort. We have stopped by and talked to them about the project and I introduced Chief Martin to them when we were on his line tour.

We are declining this invitation. However, I suspect that they will say that we helped/supported/whatever their effort in their press conference today.

Thanks.

Aaron A. Hull
Chief Patrol Agent
El Paso Sector
U.S. Border Patrol
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Thursday, May 30, 2019 10:32 AM

To: HULL, AARON A <(b)(6);(b)(7)(C)>

Cc: CLEM, CHRIS T <(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>

<(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>

<(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>

Subject: FW: Invitation to Chief Aaron Hull

Chief,

Please see the below invitation to the We Build The Wall dedication ceremony today at 4:00 PM.

(b)(6);(b)(7)(C)
Assistant Chief Patrol Agent
Sector Communications
U.S. Border Patrol – El Paso Sector
8901 Montana Avenue
El Paso, TX 79925
(b)(6);(b)(7)(C) - office
(b)(6);(b)(7)(C) - cell
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Thursday, May 30, 2019 10:22 AM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Subject: Fwd: Invitation to Chief Aaron Hull

Sent from my iPhone

Begin forwarded message:

From: <kkobach@gmail.com>

Date: May 30, 2019 at 10:04:06 AM MDT

To: <(b)(6);(b)(7)(C)>

Subject: Invitation to Chief Aaron Hull

Officer (b)(6);(b)(7)(C),

I would like to invite Chief Aaron Hull to the We Build the Wall site in (b)(7)(E) at 4:00 pm today to take part in our dedication ceremony/rally for the newly-constructed wall. If he would like to say a few words to the crowd and media, we would be pleased for him to do so. At a minimum we would like to recognize him and thank him for the support of the BP in this endeavor.

We would also like to extend an invitation to any off-duty (or on-duty) officers who would like to take part in the festivities.

Our board will be there, including me (b) (6), former US Rep. Tom Tancredo, and others.

Please let me know if Chief Hull would like to attend. Thank you.

Kris Kobach
General Counsel, We Build the Wall
(b) (6)

From: (b)(6);(b)(7)(C)
To: [HASTINGS, BRIAN S](#)
Cc: (b)(6);(b)(7)(C) [HUDSON, RICHARD M](#)
Subject: Re: Invitation to Chief Aaron Hull
Date: Thursday, May 30, 2019 12:47:25 PM

10-4, thanks Chief.

Sent from my iPhone

On May 30, 2019, at 10:44 AM, HASTINGS, BRIAN S
<(b)(6);(b)(7)(C)> wrote:

FYSA only.
Get [Outlook for iOS](#)

From: HULL, AARON A
Sent: Thursday, May 30, 2019 10:38:16 AM
To: HASTINGS, BRIAN S
Cc: CLEM, CHRIS T
Subject: FW: Invitation to Chief Aaron Hull

Chief:

FYI. This is the private group that built a wall near Monument One on the American Eagle Brick Plant property. We were not involved in any way in the effort. We have stopped by and talked to them about the project and I introduced Chief Martin to them when we were on his line tour.

We are declining this invitation. However, I suspect that they will say that we helped/supported/whatever their effort in their press conference today.

Thanks.

Aaron A. Hull
Chief Patrol Agent
El Paso Sector
U.S. Border Patrol
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, May 30, 2019 10:32 AM
To: HULL, AARON A <(b)(6);(b)(7)(C)>
Cc: CLEM, CHRIS T <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Subject: FW: Invitation to Chief Aaron Hull

Chief,

Please see the below invitation to the We Build The Wall dedication ceremony today at 4:00 PM.

(b) (6)
Assistant Chief Patrol Agent
Sector Communications
U.S. Border Patrol – El Paso Sector
8901 Montana Avenue
El Paso, TX 79925
(b)(6);(b)(7)(C) - office
(b)(6);(b)(7)(C) - cell
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, May 30, 2019 10:22 AM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: Fwd: Invitation to Chief Aaron Hull

Sent from my iPhone

Begin forwarded message:

From: <kkobach@gmail.com>
Date: May 30, 2019 at 10:04:06 AM MDT
To: <(b)(6);(b)(7)(C)>
Subject: Invitation to Chief Aaron Hull

Officer (b)(6), (b)(7)(C)

I would like to invite Chief Aaron Hull to the We Build the Wall site in (b) (7)(E) at 4:00 pm today to take part in our dedication ceremony/rally for the newly-constructed wall. If he would like to say a few words to the crowd and media, we would be pleased for him to do so. At a minimum we would like to recognize him and thank him for the support of the BP in this endeavor.

We would also like to extend an invitation to any off-duty (or on-duty) officers who would like to take part in the festivities.

Our board will be there, including me (b) (6), (b) (6), former US Rep. Tom Tancredo, and others.

Please let me know if Chief Hull would like to attend. Thank you.

Kris Kobach

General Counsel, We Build the Wall

(b) (6)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: RE: Escort of (b) (6) at (b) (7)(E)
Date: Thursday, January 16, 2020 8:11:42 PM

Evening (b)(6);(b)(7)(C)

Thank you for the SA on this. Appreciate it.

Respectfully,

(b)(6);(b)(7)(C)

Assistant Chief

Operational Requirements Management Division (ORMD)

United States Border Patrol

Desk: (b)(6);(b)(7)(C)

Cell: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, January 16, 2020 8:03 PM
To: kkobach@gmail.com; (b) (6)
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
(b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: Re: Escort of (b) (6) at (b) (7)(E)

Good evening (b) (6)

I just received word that all is good to go tomorrow morning. Agent (b)(6);(b)(7)(C) will meet you at the entrance to the (b) (7)(E) wall at 0830. If you have any questions please do not hesitate to contact me.

You may also contact the (b) (7)(E) Station if the need arises. (b) (7)(E) POC is Supervisor (b)(6);(b)(7)(C).

Thank you,

(b)(6);(b)(7)(C)

Get [Outlook for iOS](#)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, January 16, 2020 4:31 PM
To: kkobach@gmail.com; (b) (6)
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: RE: Escort of (b) (6) at (b) (7)(E)

Good Afternoon (b) (6),

As we discussed earlier. Your visit is scheduled for tomorrow, Friday the 17th at 0830. As of now we are waiting on concurrence from our Operations Division. I will follow up either later this evening or early tomorrow morning and will furnish you with their decision.

Thanks,

(b)(6);(b)(7)(C)

Operations Officer

El Paso Sector Program Management Office

Office: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

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From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Thursday, January 16, 2020 11:36 AM

To: kkobach@gmail.com

Cc: (b) (6)

Subject: Re: Escort of (b) (6) at (b) (7)(E)

Mr. Kobach,

I spoke with the (b) (7)(E) Station. They are on board to support this visit. They will have a few agents available for escort at 0830. Please let me know if this works so I may confirm.

Thank you,

(b)(6);(b)(7)(C)

Get [Outlook for iOS](#)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Thursday, January 16, 2020 10:57:12 AM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Cc: (b) (6) <(b) (6)>

Subject: Escort of (b) (6) at (b) (7)(E)

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

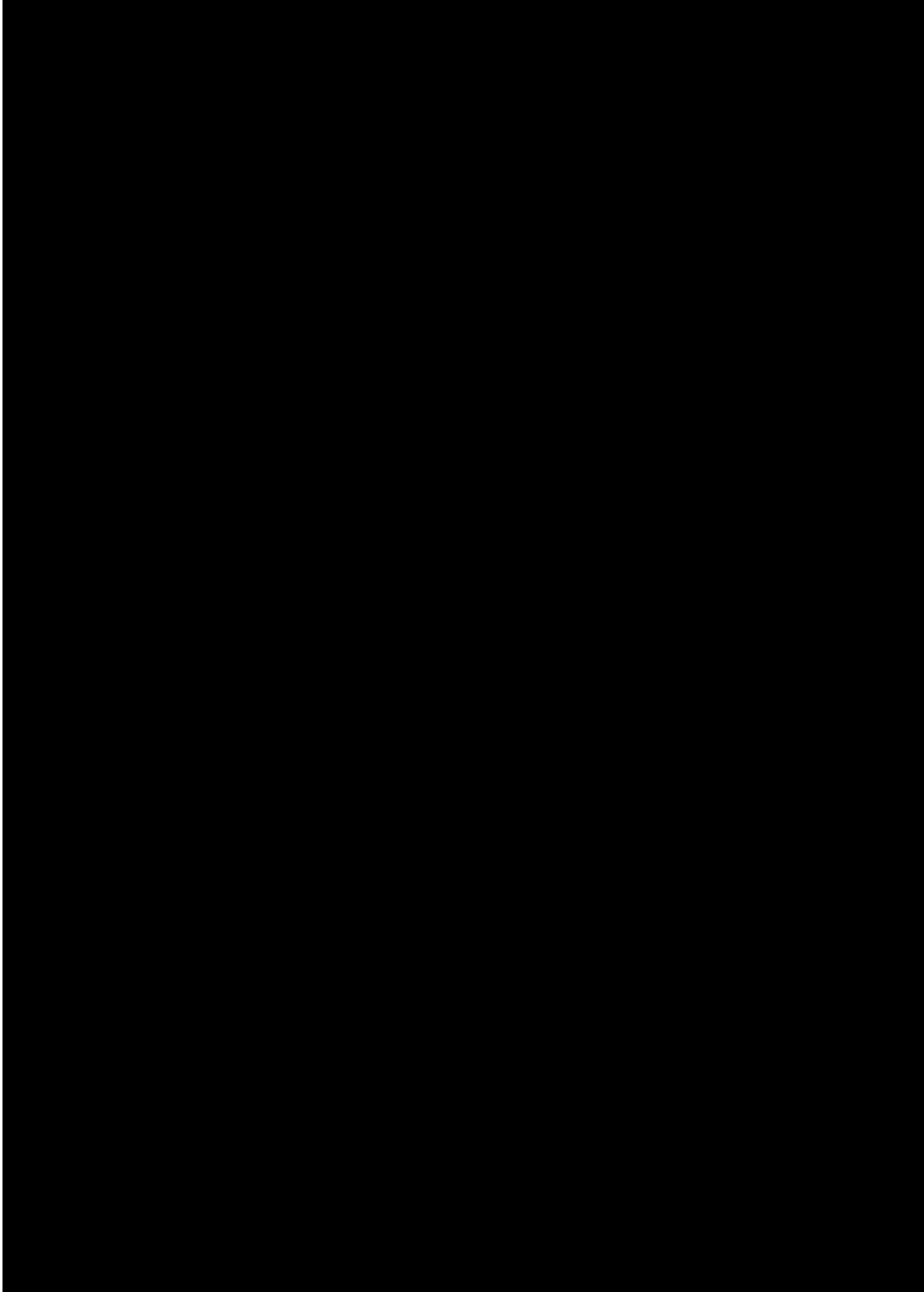
(b)(6);(b)(7)(C)

Great talking with you on the phone. As I mentioned (b) (6) (cc'd in this message) is available all day tomorrow to do his inspection/study of the area on the (b) (7)(E). The area starts where the existing border wall ends and goes (b) (7)(E) to the (b) (7)(E). I have attached a photo. The area is where the blue line is.

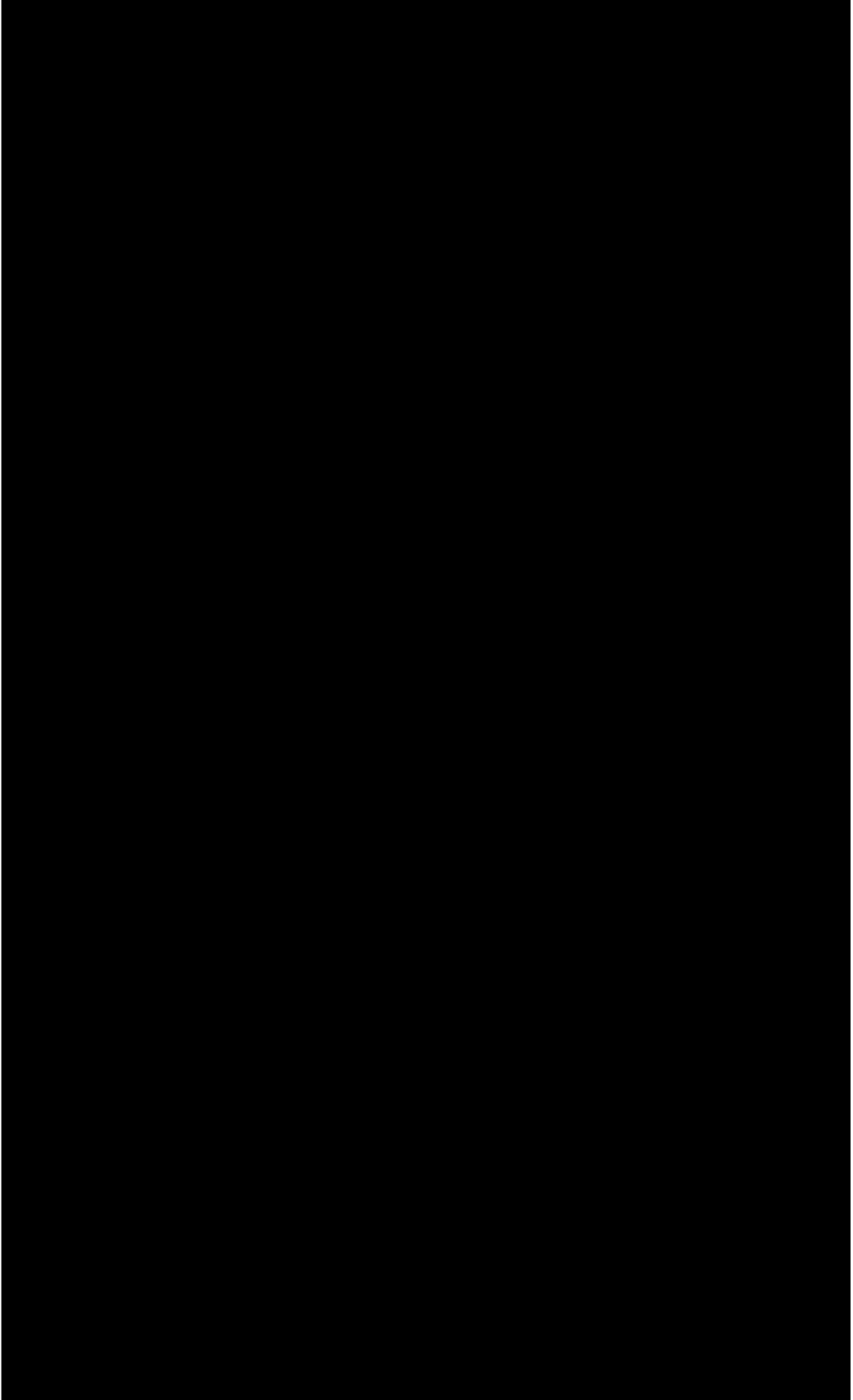
You can reach (b) (6) at home at (b) (6). Please let him know via email or phone when and where to meet tomorrow. Thanks for your help!

Kris Kobach
General Counsel, We Build the Wall
Cell (b) (6)

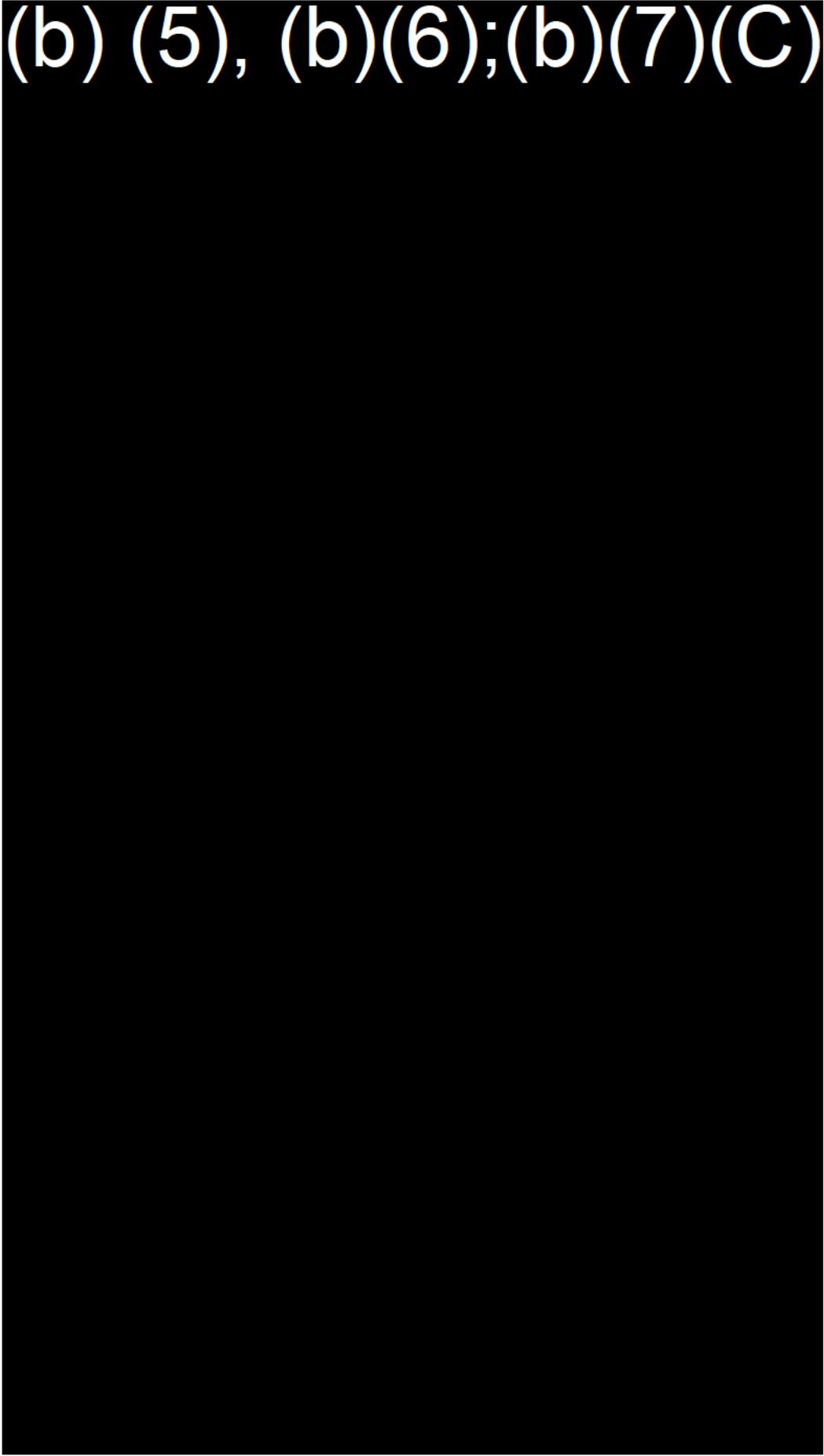
(b) (5), (b)(6);(b)(7)(C)



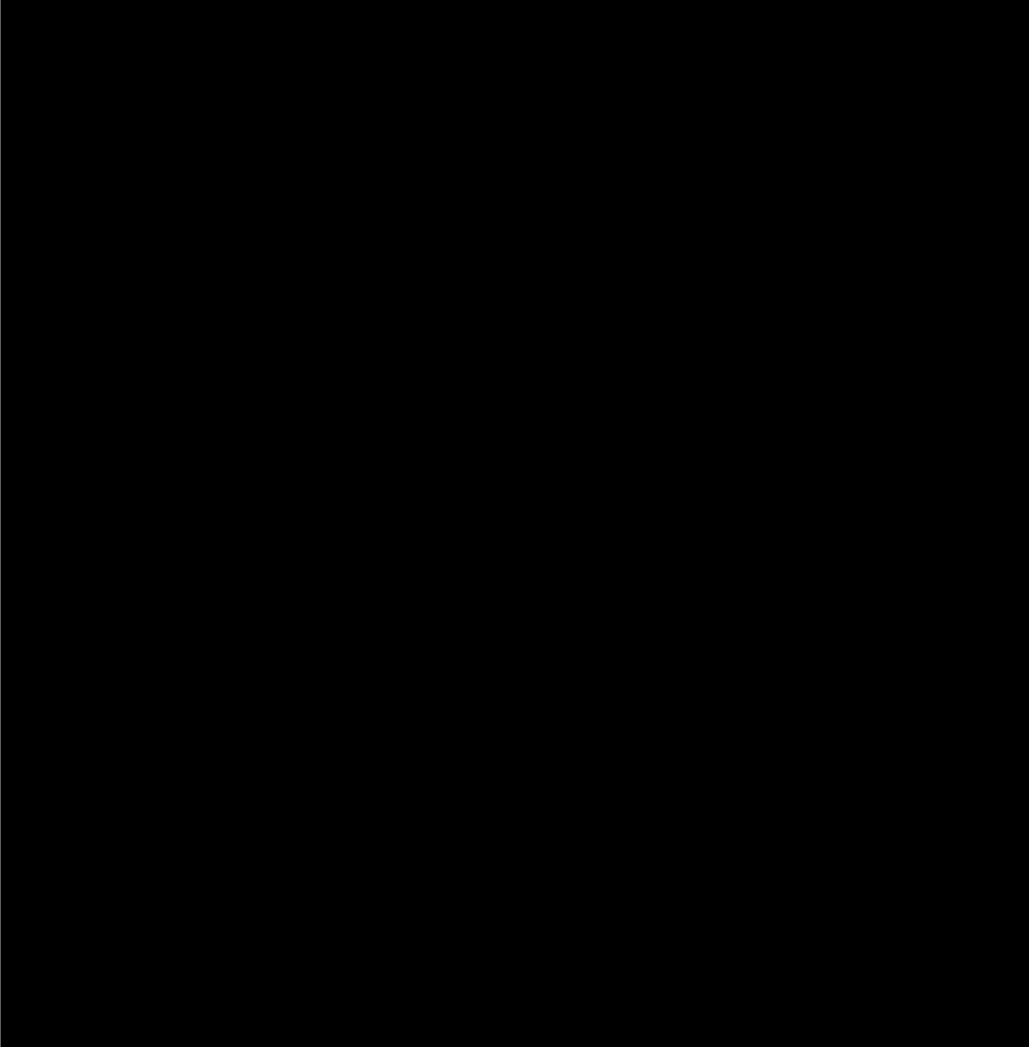
(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



From: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>
Sent: Friday, December 6, 2019 11:21 AM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)> PROVOST, CARLA
(USBP) <(b)(6);(b)(7)(C)> SCOTT, RODNEY S
<(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)>
Subject: Re: Follow Up

Thanks (b)(6);(b)(7)(C) - early next week would be best. Much appreciated.

REP

Robert E. Perez
Deputy Commissioner

U.S. Customs & Border Protection

On Dec 6, 2019, at 11:05 AM, (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> wrote:

Sir – In speaking with OCC this morning, (b) (5)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, December 6, 2019 11:03 AM
To: 'kkobach@gmail.com' <kkobach@gmail.com>
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys (b) (5) They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, December 5, 2019 9:34 AM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez,
do you have a few minutes today or tomorrow we could
schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis

U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

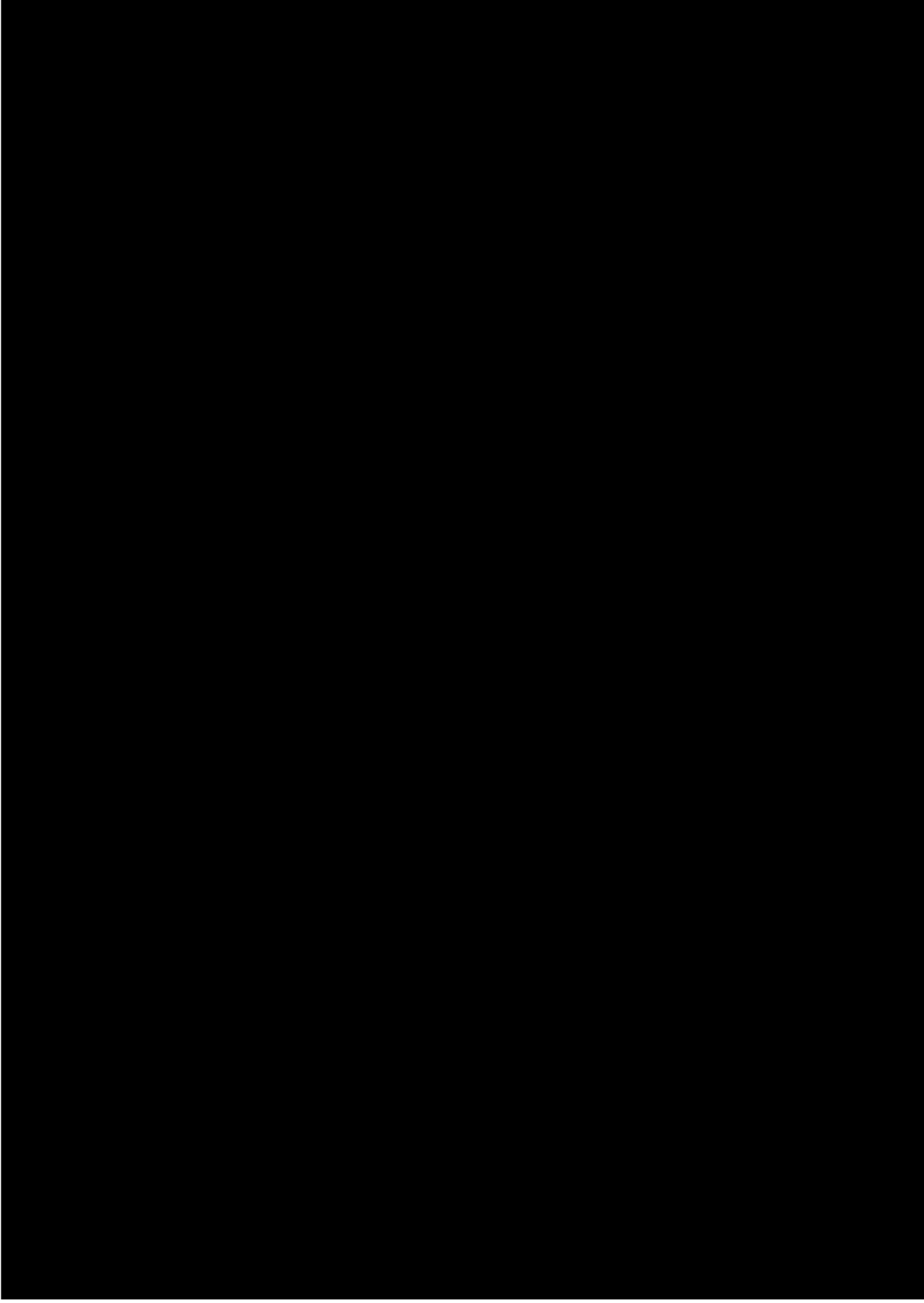
Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

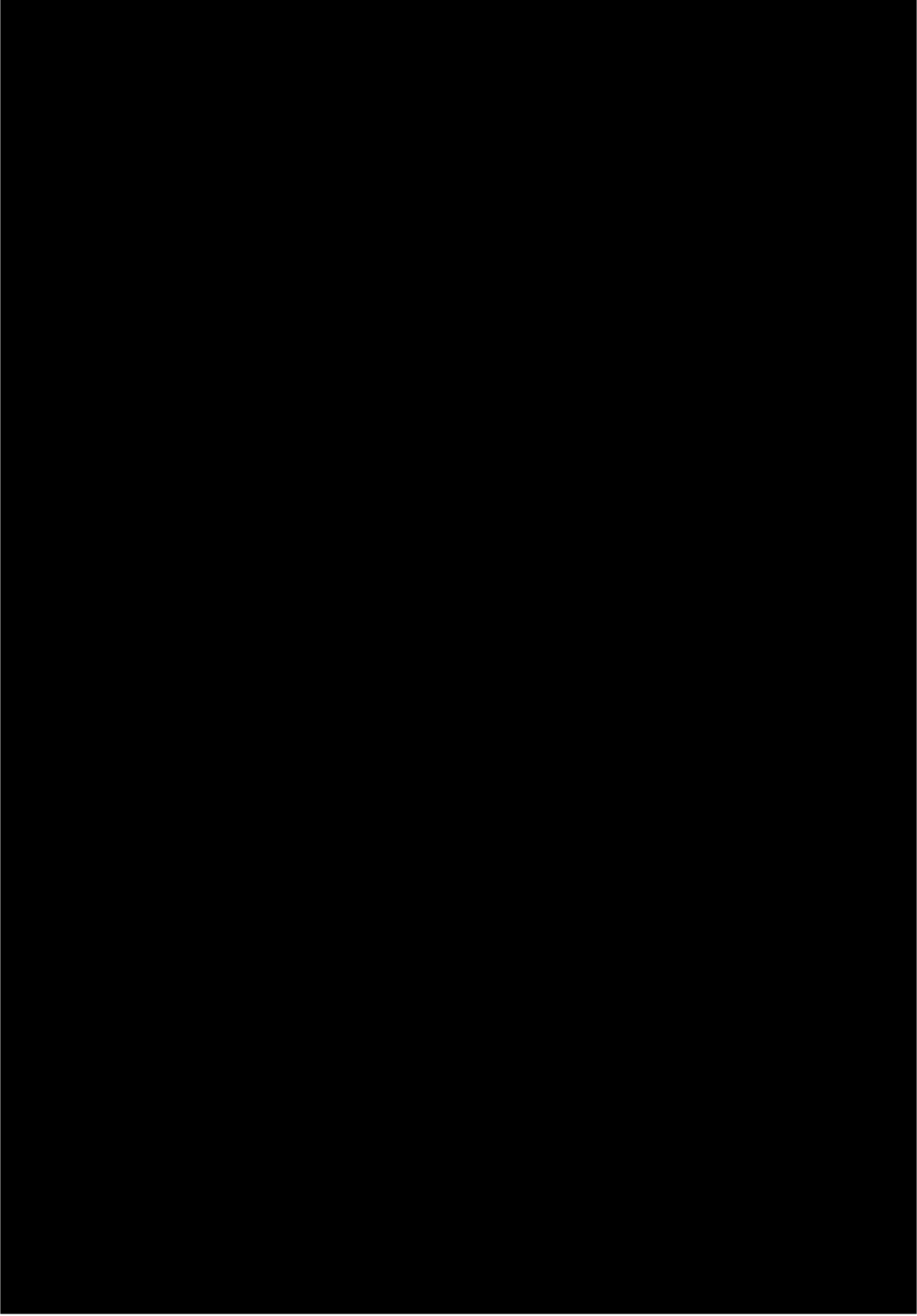
(b) (5), (b)(6);(b)(7)(C)



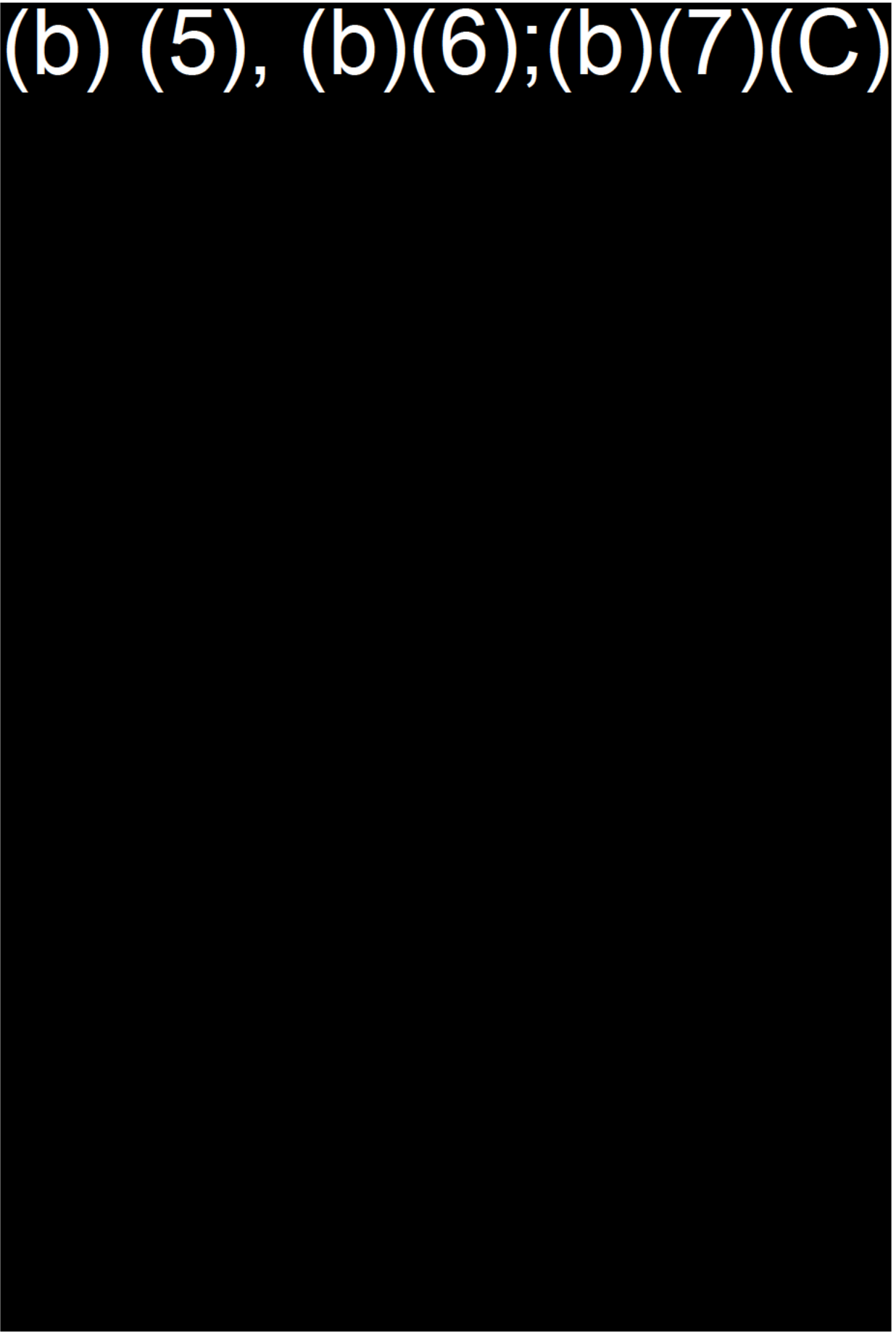
(b) (5), (b)(6);(b)(7)(C)



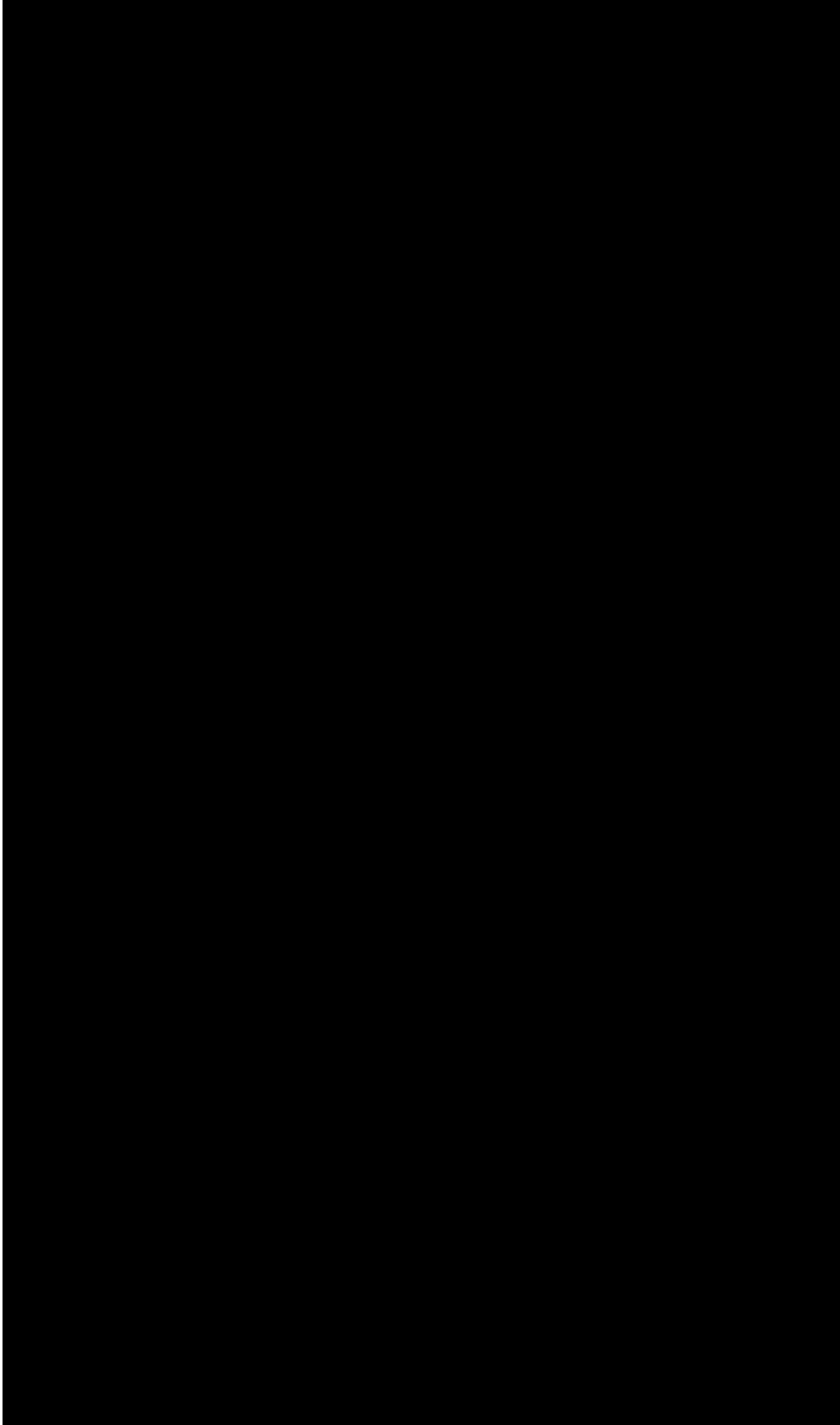
(b) (5), (b)(6);(b)(7)(C)



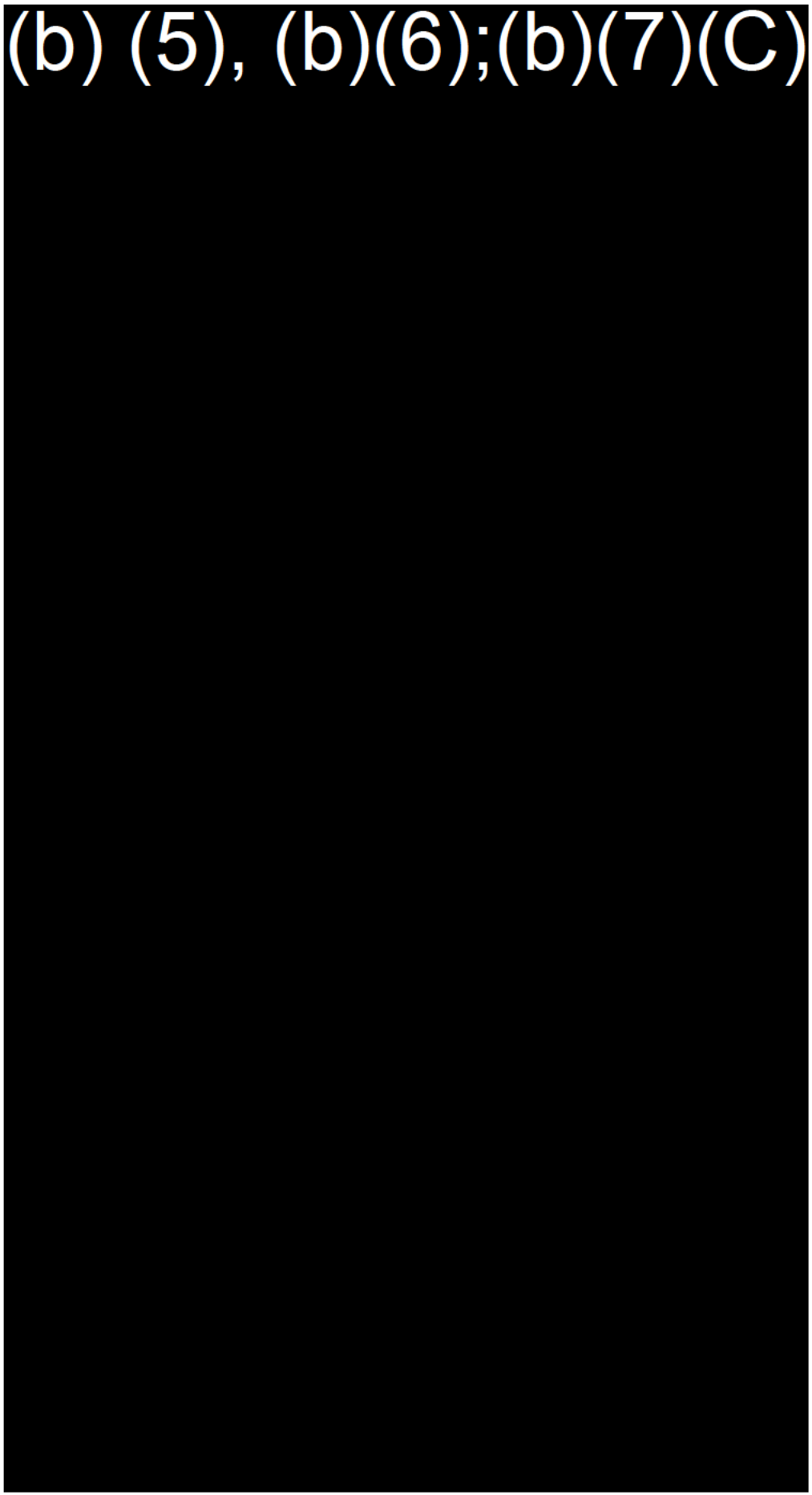
(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)

From: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>
Sent: Friday, December 6, 2019 11:21 AM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP) <(b)(6);(b)(7)(C)> SCOTT, RODNEY S <(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)> <(b)(6);(b)(7)(C)>
<(b)(6);(b)(7)(C)>
Subject: Re: Follow Up

Thanks (b)(6);(b)(7)(C) - early next week would be best. Much appreciated.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

On Dec 6, 2019, at 11:05 AM, (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> wrote:

Sir – In speaking with OCC this morning, (b) (5)

(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Friday, December 6, 2019 11:03 AM

To: 'kkobach@gmail.com' <kkobach@gmail.com>

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys (b) (5). They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis

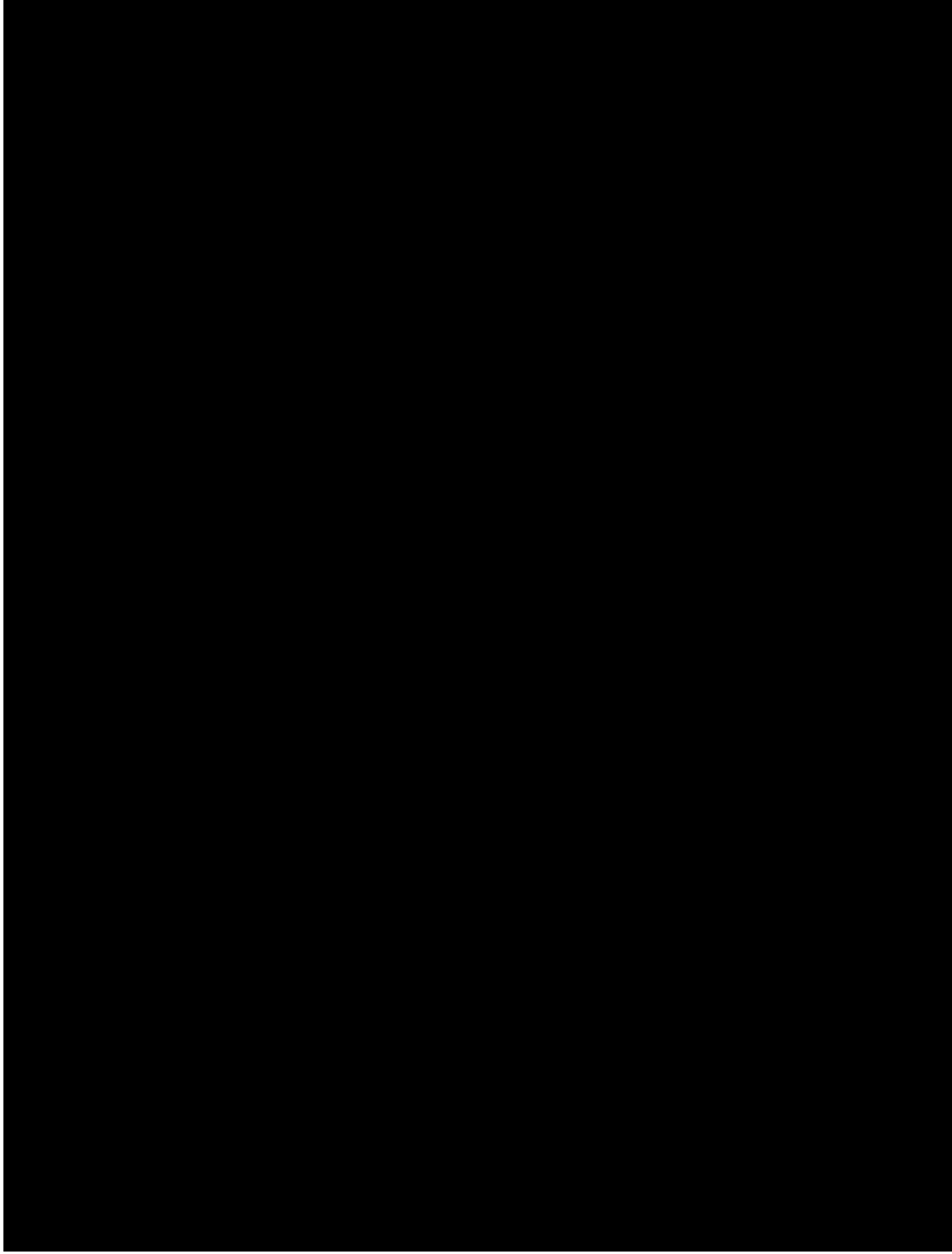
U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Assistant Chief Counsel, Indianapolis, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Friday, December 6, 2019 11:03 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys (b) (5). They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis
U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

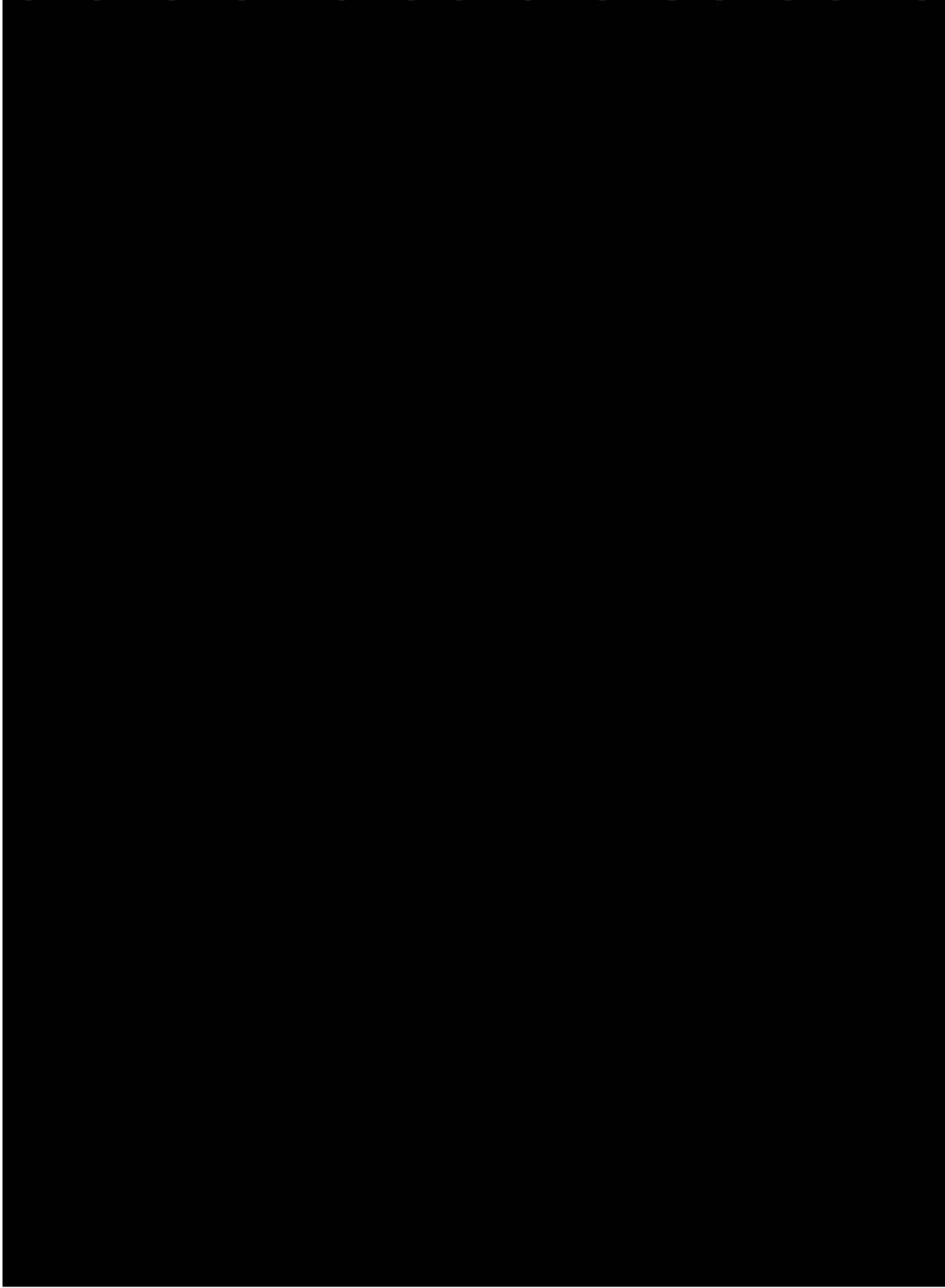
Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)

From: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>

Sent: Monday, December 30, 2019 8:23:57 AM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> MARTIN, JERRY B

<(b)(6);(b)(7)(C)>

Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)

<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Chief, (b)(6);(b)(7)(C) – checking if you’ve heard back from WBTW on this. Also, any update on the RGV activity? Thanks.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Friday, December 13, 2019 3:39 PM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris,

In response to your inquiry last week about (b) (7)(E) the attorneys and I touched base again today. It

(b) (5), (b) (7)(E)

As to the criteria DHS/CBP would use to evaluate WBTW's donation package, including any aspect that would include construction in the Roosevelt Reservation, I would point you back to the checklist we provided to WBTW during our August 27, 2019 meeting. The checklist provides detailed recitation of the factors DHS/CBP would consider in evaluating the donation package. For example, to the extent that WBTW will be constructing on private land, DHS/CBP would be looking at things like evidence of ownership, whether Phase I environmental assessment has been formed, what it shows, etc. It also goes without saying that construction should meet DHS/CBP operational requirements. Here again, the checklist we previously provided includes a detailed recitation of the design specifications that would guide DHS/CBP's evaluation of the proposed donation.

Let me know if you have any questions once you've had some time to digest.

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, December 6, 2019 12:08 PM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

(b)(6);(b)(7)(C),

Thanks for the update. Let's circle back next week.

Kris

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Friday, December 6, 2019 10:03 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys (b) (5) They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Deputy Executive Director, Strategic Planning & Analysis
U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)


From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) | (b)(6);(b)(7)(C) | (b)(6);(b)(7)(C) | (b)(6);(b)(7)(C)
Subject: Re: Contacts at stakeholder agencies
Date: Tuesday, September 24, 2019 8:46:45 AM

Why don't we put a call together for 12 and we can go through as many of the things we need to catch up on, including this, as time allows.

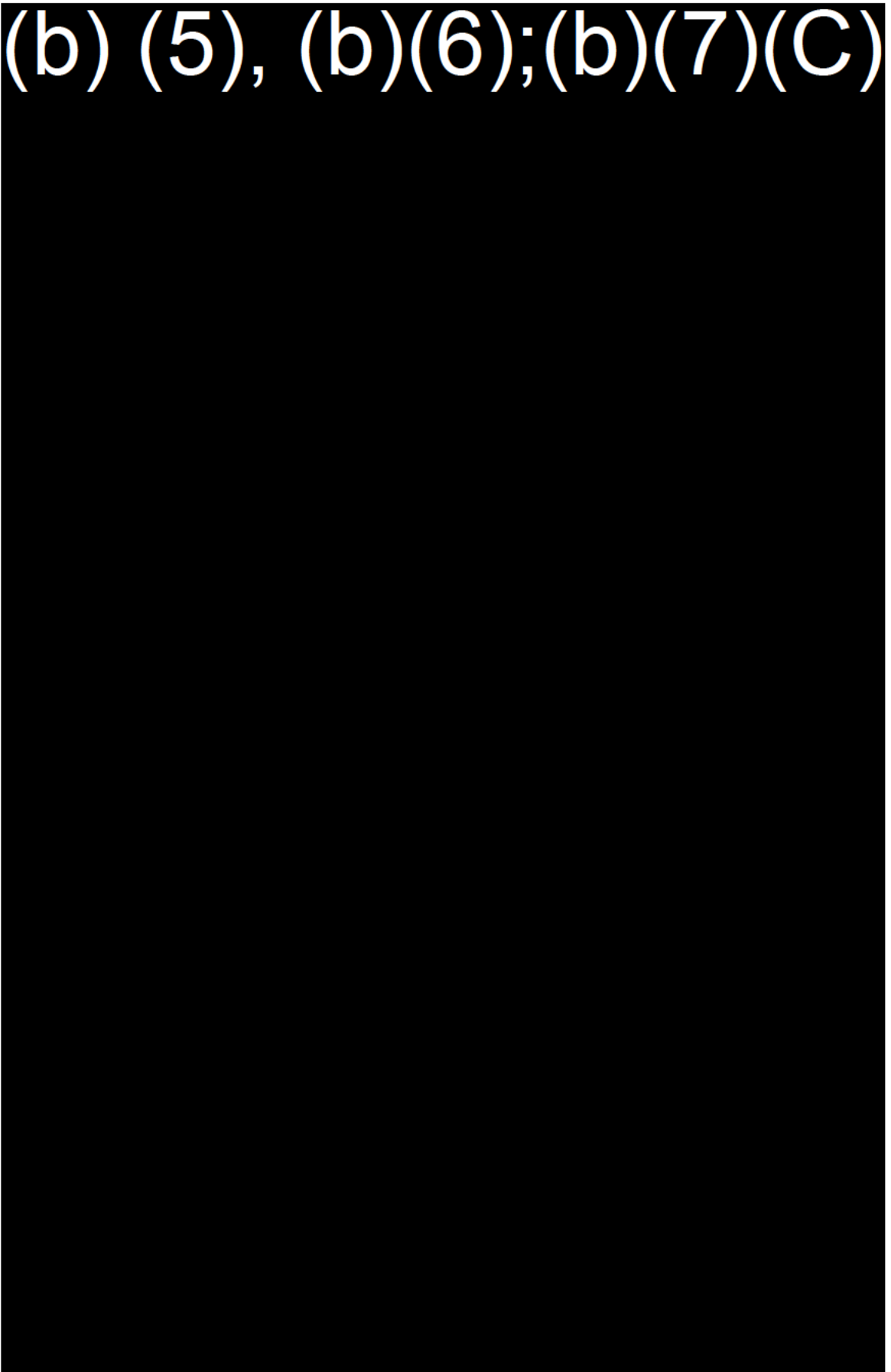
Sent from my iPad

On Sep 24, 2019, at 8:43 AM, (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)> wrote:

(b) (5), (b)(6);(b)(7)(C)



(b) (5), (b)(6);(b)(7)(C)



(b)(6);(b)(7)(C)

Sent from my iPad

Begin forwarded message:

From: <kkobach@gmail.com>

Date: September 23, 2019 at 1:24:09 PM EDT

To: <(b)(6);(b)(7)(C)>

Subject: Contacts at stakeholder agencies

(b)(6);(b)(7)(C)

Could you please provide me with contact information regarding officials at stakeholder agencies that We Build the Wall may reach out to, in order to do our due diligence with respect to future wall-building projects, with particular emphasis on the eastern New Mexico border area? Thanks.

Kris Kobach
General Counsel, We Build the Wall

From: (b)(6);(b)(7)(C)
To: [MARTIN, JERRY B](#)
Subject: Re: Request for Statement of No Interest Section 404 CWA
Date: Saturday, October 26, 2019 11:52:15 AM

Good question. Let me check. (b) (5), (b)(6);(b)(7)(C)

Sent from my iPhone

On Oct 26, 2019, at 11:49 AM, MARTIN, JERRY B <(b)(6);(b)(7)(C)> wrote:

Who should we refer him to?

Sent from my iPhone

Begin forwarded message:

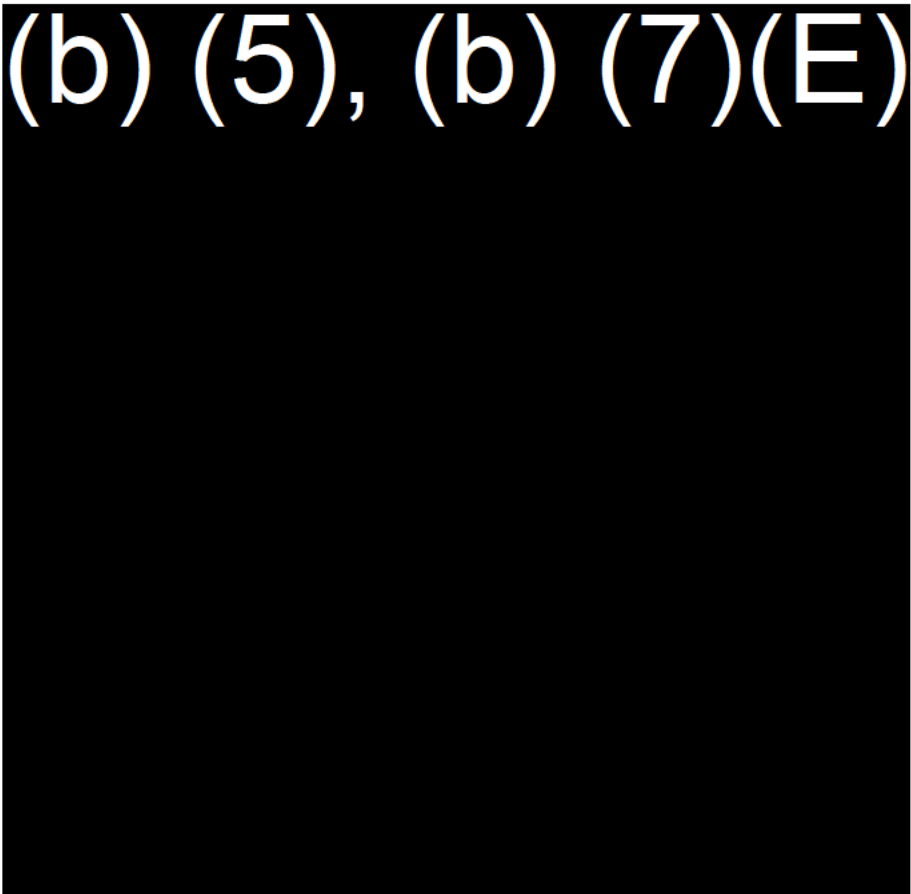
From: "(b) (6)" (b) (6)
Date: October 25, 2019 at 6:51:31 PM EDT
To: "(b) (6)"
<(b) (6)>
Cc: "(b)(6);(b)(7)(C)"
<(b)(6);(b)(7)(C)> "(b)(6);(b)(7)(C)"
<(b)(6);(b)(7)(C)> "kkobach@gmail.com"
<kkobach@gmail.com>
Subject: Request for Statement of No Interest Section 404 CWA

Dear (b) (6), I wanted to follow up with you (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)



Thank you again for your kind attention to this matter. Should you have any further requirements, please let me know.

Respectfully submitted,

(b) (6)

(b) (6) | Partner
Barnes & Thornburg LLP
Prominence in Buckhead, 3475 Piedmont Road N.E., Suite 1700, Atlanta, GA
30305-3327
Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)
<image008.gif>
Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan |
Minneapolis | Ohio | Washington, D.C.

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email and
promptly delete this message and its attachments from
your
computer system. We do not waive attorney-client or work
product
privilege by the transmission of this message.

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: Fwd: Request for Statement of No Interest Section 404 CWA
Date: Saturday, October 26, 2019 11:52:39 AM

Would it be someone from your team who would do this walk through with them?

Sent from my iPhone

Begin forwarded message:

From: "MARTIN, JERRY B" <(b)(6);(b)(7)(C)>
Date: October 26, 2019 at 11:49:04 AM EDT
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Subject: Fwd: Request for Statement of No Interest Section 404 CWA

Who should we refer him to?

Sent from my iPhone

Begin forwarded message:

From: (b) (6) (b) (6)
Date: October 25, 2019 at 6:51:31 PM EDT
To: (b) (6) <(b) (6)>
Cc: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> "kkobach@gmail.com" <kkobach@gmail.com>
Subject: Request for Statement of No Interest Section 404 CWA

Dear Mr. (b) (6), I wanted to follow up with you concerning (b) (5), (b) (7)(E)

[REDACTED]

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)



(b) (5), (b) (7)(E)



I am aware that you or someone from your team will need to physically inspect the area prior to making your determination. By copy of this email, I am reaching out to Chief Brian Martin, Strategic Planning & Analysis Directorate of DHS, CBP, who will provide to you a local CBP contact to assist with your physical inspection of the area.

Thank you again for your kind attention to this matter. Should you have any further requirements, please let me know.

Respectfully submitted,

(b) (6)

(b) (6) | Partner

Barnes & Thornburg LLP

Prominence in Buckhead, 3475 Piedmont Road N.E., Suite 1700, Atlanta, GA 30305-3327

Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)



Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

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From: (b)(6);(b)(7)(C)
To: kkobach@gmail.com
Cc: [MARTIN, JERRY B](#)
Subject: Re: Follow Up
Date: Thursday, December 5, 2019 2:40:51 PM

I just got out of a block of meetings and am headed into another. I won't be free at 4, but could do 5 EST if that works for you.

Sent from my iPhone

On Dec 5, 2019, at 2:21 PM, "kkobach@gmail.com" <kkobach@gmail.com> wrote:

That window has now passed. Would you be available at 3:00 central/4:00 eastern this afternoon?

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Thursday, December 5, 2019 11:48 AM
To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Cc: 'MARTIN, JERRY B' <(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

(b)(6);(b)(7)(C),

Yes. I am available for 15 minutes today at 1:00 central/2:00 eastern if that works for you. Thanks.

Kris

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Thursday, December 5, 2019 8:34 AM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b)(7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Deputy Executive Director, Strategic Planning & Analysis
U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: [HASTINGS, BRIAN S](#)
Subject: Re: Follow Up
Date: Wednesday, January 8, 2020 10:32:55 AM

Bless you.

Sent from my iPad

On Jan 8, 2020, at 10:25 AM, HASTINGS, BRIAN S
<(b)(6);(b)(7)(C)> wrote:

LEOD concurs strongly with the impact paper.

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Wednesday, January 8, 2020 9:09 AM
To: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>
Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)
<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S
<(b)(6);(b)(7)(C)> MARTIN, JERRY B
<(b)(6);(b)(7)(C)> FALK, SCOTT K (OCC)
<(b)(6);(b)(7)(C)> SMITH, FREDERICK B (OCC)
<(b)(6);(b)(7)(C)> (b)(6);(b)(7)(C)
<(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

Sir – Per our discussion last week, (b) (5), (b) (6)

(b) (5), (b) (6)

(b) (5), (b) (6)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>

Sent: Friday, January 3, 2020 6:36 PM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)

<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S

<(b)(6);(b)(7)(C)> MARTIN, JERRY B

<(b)(6);(b)(7)(C)> FALK, SCOTT K (OCC)

<(b)(6);(b)(7)(C)> SMITH, FREDERICK B (OCC)

<(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Got it (b)(6);(b)(7)(C) – once we have a better idea of likely path forward, we'll need to more specifically quantify the miles potentially impacted. Thanks.

REP

Robert E. Perez

Deputy Commissioner

U.S. Customs & Border Protection

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Friday, January 3, 2020 4:50 PM

To: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>

Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)

<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S

<(b)(6);(b)(7)(C)> MARTIN, JERRY B

<(b)(6);(b)(7)(C)> FALK, SCOTT K (OCC)

<(b)(6);(b)(7)(C)> SMITH, FREDERICK B (OCC)

<(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Sir – A couple follow ups on the content below.

First, I sent a follow up email to Kris Kobach this morning with you in the blind as discussed. I will let you know if we hear anything. My guess is with the holidays they've been focused on other things, but we'll keep a close eye on this and follow up with text/call next week if we still don't hear anything back.

(b) (5)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Monday, December 30, 2019 11:01 AM

To: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>

Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)

<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S

<(b)(6);(b)(7)(C)> MARTIN, JERRY B


<(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Sir – As promised, OCC has provided the latest.

(b) (5)

(b) (5)



(b) (5)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Monday, December 30, 2019 9:32 AM

To: PEREZ, ROBERT E <(b)(6);(b)(7)(C)> MARTIN, JERRY B

<(b)(6);(b)(7)(C)>

Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)

<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S

<(b)(6);(b)(7)(C)>

Subject: Re: Follow Up

Sir - We have not heard reply from WBTW. Given the holidays our plan is to check back at week's end if nothing has been received.

(b) (5)

More to come shortly.

Thanks,

(b)(6);(b)(7)(C)

Get [Outlook for iOS](#)

From: PEREZ, ROBERT E <(b)(6);(b)(7)(C)>

Sent: Monday, December 30, 2019 8:23:57 AM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)> MARTIN, JERRY B
<(b)(6);(b)(7)(C)>
Cc: SCOTT, RODNEY S <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)
<(b)(6);(b)(7)(C)> HASTINGS, BRIAN S
<(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

Chief, (b)(6);(b)(7)(C) – checking if you’ve heard back from WBTW on this. Also, any update on the RGV activity? Thanks.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>
Sent: Friday, December 13, 2019 3:39 PM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>
Subject: RE: Follow Up

Kris,

In response to your inquiry last week about (b)(7)(E) the attorneys and I touched base again today. (b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

As to the criteria DHS/CBP would use to evaluate WBTW’s donation package, including any aspect that would include construction in the Roosevelt Reservation, I would point you back to the checklist we provided to WBTW during our August 27, 2019 meeting. The checklist provides detailed recitation of the factors DHS/CBP would consider in evaluating the donation package. For example, to the extent that WBTW will be constructing on private land, DHS/CBP would be looking at things like evidence of ownership, whether Phase I environmental assessment has been formed, what it shows, etc. It also goes without saying that construction should meet DHS/CBP operational requirements. Here again, the checklist we previously provided includes a detailed recitation of the design specifications that would guide DHS/CBP’s evaluation

of the proposed donation.

Let me know if you have any questions once you've had some time to digest.

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, December 6, 2019 12:08 PM

To: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

(b)(6);(b)(7)(C),

Thanks for the update. Let's circle back next week.

Kris

From: (b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>

Sent: Friday, December 6, 2019 10:03 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys (b)(5) (b)(6);(b)(7)(C). They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis

U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

To: (b)(6);(b)(7)(C)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner
Date: Thursday, July 11, 2019 9:55:03 AM

These guys are for

(b)(6);(b)(7)(C)
Senior Communications Analyst
Agile Group
Border Wall Program Management Office
Program Management Office Directorate
United States Border Patrol
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Sent: Wednesday, July 10, 2019 2:34 PM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: FW: U.S. Customs and Border Protection Deputy Commissioner

FYSA

(b)(6);(b)(7)(C)
Special Projects Analyst
Agile Group
Border Wall Program Management Office
Program Management Office Directorate
United States Border Patrol
Mobile: (b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Sent: Wednesday, July 10, 2019 3:13 PM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

(b)(6); --I spoke with USACE about the landownership within the coordinates provided in Mr. Kobach's letter (start (b)(7)(E) stop (b)(7)(E)). Based on USACE's preliminary survey work they provided the attached map which shows the Roosevelt Reservation does exist in this area. As you will see in the attached PDF, there are areas to the east of the provided coordinates where the Roosevelt Reservation does not exist. It appears the preliminary tax record information I pulled did not accurately reflect where the US Government property was located. USACE is still finalizing their official title review but their initial information appears to validate Mr. Kobach's research.

Please let me know if you need any other information.

From: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Sent: Wednesday, July 10, 2019 11:12 AM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Actually attaching the letter -

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Wednesday, July 10, 2019 2:11 PM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: FW: U.S. Customs and Border Protection Deputy Commissioner
Importance: High

(b)(6); -- See below. When we had USACE do the review for the locations in question from WBTW (incoming attached again for ease) they identified 5 landowners. The tax records below show something different. It won't change our answer in the short term, but C2 has a call with Kobach tomorrow. Can you get with USACE and see if you can deconflict our understandings at least enough to provide C2 with an interim response before his call with WBTW tomorrow?

Thanks

(b)(6);

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Sent: Wednesday, July 10, 2019 2:05 PM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: FW: U.S. Customs and Border Protection Deputy Commissioner
Importance: High

(b)(6); and Chief Martin

Please see the email below from Kris Kobach. Per the Deputy Commissioner please prepare a rebuttal/answers to the email below for him to have in hand prior to his call with Mr. Kobach. Please let me know if you have any questions or concerns.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW

Washington, DC 20229
Work (b)(6);(b)(7)(C)
Cell (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Wednesday, July 10, 2019, 1:29 PM
To: (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Ms. (b)(6);(b)(7)(C)

Thanks for emailing the letter to me. I wanted to get back to you right away about one matter though. There appears to be a miscommunication. The Perez letter says that 5 land owners own border land between (b)(7)(E) NM and Texas. That is correct. However we are only referring to the land that is owned by the United States of America and starts at (b)(7)(E) and ends at (b)(7)(E).

County tax records clearly show that to be the property of the United States government. See below. The narrow strip in blue is listed as property of the United States as is the (b)(7)(E). Could you please have the relevant CBP people review this and either confirm those records to be correct or let us know if you believe these county records to be wrong.

Assuming that can be done within a day so we have the correct information I would like to speak with Mr Perez tomorrow at a time that suits him. Please let me know any times that might work.

Thank you for your assistance.

Kris Kobach

see attached.

Location		Owner Information		Assessment History
(b) (7)(E)				
Transfers				
No Transfer Documents				
Images				
Tax Year	Taxes	GIS		
*2019	\$0.00			
2018	\$0.00			

* Estimated

(b) (7)(E), (b) (5)

From: (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)
Sent: Tuesday, July 9, 2019, 4:36 PM
To: kkobach@gmail.com
Subject: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

Good afternoon. My name is (b)(6);(b)(7)(C) and I am the Special Assistant to U.S. Customs and Border Protection Deputy Commissioner Robert E. Perez. Attached you will find a letter for your reference, please note an original is being mailed to you as well. A CBP team will be reaching out to you soon to discuss this topic further. In the interim the Deputy Commissioner asked that I relay that he is available to speak with you at your convenience, should you have any questions or concerns.

Please feel free to contact me directly and I will be happy to coordinate further.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work (b)(6);(b)(7)(C)
Cell (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner
Date: Monday, July 22, 2019 9:56:05 AM

You will take yes?

(b) (5), (b)(6);(b)(7)(C), (b) (7)(E)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Wednesday, July 10, 2019 1:29 PM
To: (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Ms. (b) (6), (b)

Thanks for emailing the letter to me. I wanted to get back to you right away about one matter though. There appears to be a miscommunication. The Perez letter says that 5 land owners own border land between (b) (7)(E) NM and Texas. That is correct. However we are only referring to the land that is owned by the United States of America and starts at (b) (7)(E)

County tax records clearly show that to be the property of the United States government. See below. The narrow strip in blue is listed as property of the United States as is the (b) (7)(E). Could you please have the relevant CBP people review this and either confirm those records to be correct or let us know if you believe these county records to be wrong.

Assuming that can be done within a day so we have the correct information I would like to speak with Mr Perez tomorrow at a time that suits him. Please let me know any times that might work.

Thank you for your assistance.

Kris Kobach

see attached.

Location

Owner Information

Assessment History

(b) (7)(E)

Transfers

No Transfer Documents

Images

Tax Year	Taxes	GIS
*2019	\$0.00	
2018	\$0.00	

* Estimated

(b) (7)(E), (b) (5)

From: (b)(6);(b)(7)(C) ; (b)(6);(b)(7)(C)
Sent: Tuesday, July 9, 2019, 4:36 PM
To: kkobach@gmail.com
Subject: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

Good afternoon. My name is (b)(6);(b)(7)(C) and I am the Special Assistant to U.S. Customs and Border Protection Deputy Commissioner Robert E. Perez. Attached, you will find a letter for your reference, please note an original is being mailed to you as well. A CBP team will be reaching out to you soon to discuss this topic further. In the interim, the Deputy Commissioner asked that I relay that he is available to speak with you at your convenience, should you have any questions or concerns.

Please feel free to contact me directly and I will be happy to coordinate further.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave., NW
Washington, DC 20229
Work: (b)(6);(b)(7)(C)
Cell: (b)(6);(b)(7)(C)